

Law Enforcement News

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NY cops win battle for command of emergency sites

Until further notice, New York City police will remain in charge at most emergency rescue operations and firefighters will remain in charge at fires.

That was the gist of the long-awaited decision handed down last month to the two city agencies, which have been feuding bitterly, sometimes violently, for the past seven months over which should be in command at emergency scenes.

Mayor Ed Koch overruled a proposal by his Office of Operations suggesting that the role of primary responder be shifted from the city's Police Department — where it has rested for the past 40 years — to the Fire Department.

Under the new protocol for coordinating the emergency response, 911 operators would notify the two departments simultaneously in the case of a building collapse. Police, however, would remain in charge, as they would in the event of a bomb threat, although a fire truck would be put on alert at the nearest firehouse in case it is needed.

Although police would still be in charge of extricating bodies from cars in serious automobile accidents, the Fire Department would be routinely notified by 911. The police would also take the lead in water rescues, but 911 operators would again notify the Fire Department's scuba divers in case police teams could not get there sooner.

Koch also outlined a pilot program to dispatch Fire Department units as a backup when police are not available. The site for the experiment has not yet been chosen.

Several provisions giving firefighters the authority at gas leaks, utility emergencies and hazardous materials removal sites, were left unchanged.

Police Commissioner Benjamin Ward and newly appointed Fire Commissioner Joseph Bruno praised the plan. Said Ward: "I don't think we lost a thing in there. I'm not high on losing face."

However, Nicholas Mancuso, president of the Uniformed Firefighters Association, called the plan "ridiculous." The decision, he said, was made out of political and police pressure. "The people of the city are the losers," said Mancuso. "Lives will be lost as a result."

The ruling by Mayor Koch should put an end to a tough and

sometimes violent battle the two agencies fought over the emergency-response issue. Koch ordered both commissioners to severely discipline any employee who violates the new protocol. Any officer who does so, he said, should be demoted.

Numerous altercations between firefighters and police at emergency scenes have been recorded so far this year. At the most recent incident, on Nov. 2, two firefighters were struck by a patrol car at the scene of a call in the Bronx and another firefighter broke the car's rear window. The two injured firefighters were treated at a hospital and released.

The dispute broke into the open earlier this year when UFA president Mancuso complained that the city's 911 system failed to report some emergencies to the Fire Department. Mancuso also asserted that police Emergency Service officers interfered with Fire Department activities and sometimes obstructed firefighters at the scene of an operation.

The fur, really began to fly, however, when a confidential memo from First Deputy Mayor Stanley Brezenoff to Police Commissioner Benjamin Ward was leaked to the press. The memo contained some of the findings of a mayoral task force examining the revision of rules for emergency response.

The memo concluded that although the Police Department has traditionally been the primary responder in rescue operations, the Fire Department was able to get the necessary resources to the scene faster than police.

As outlined by Brezenoff's memo, the Fire Department would become the primary responder to all building collapses, flammable leaks and spills, hazardous material cases and motor vehicle accidents. While police would have prime responsibility for bomb threats, firefighters would take over if the bomb exploded.

The memo met with an immediate and angry reply by Patrolman's Benevolent Association president Phil Caruso, who accused the city of shifting response so as to give a "severely underutilized" Fire Department more responsibility.

New York City is the only one of the nation's 10 largest that vests primary emergency response functions in its Police Department.

The pervasive influence of drug trafficking in the Miami area, the too-rapid expansion of the Miami Police Department during the early 1980's and inadequate background checks conducted on police applicants at that time have been identified as the underlying causes of what has been deemed the worst law enforcement scandal in Miami history.

Since 1985, when a two-year investigation by Federal and local agencies got underway, at least 59 Miami police officers have been suspended or dismissed from the department for suspicion of wrongdoing.

Far Worse than Knapp

Although state and Federal officials maintain that the number of officers involved in corruption — the majority of which involves narcotics — should not rise considerably from that, Miami Chief Clarence Dickson has predicted that when all investigations are wrapped up, the scandal will have



Chief Dickson

One in 10 Miami cops may fall touched one out of every 10 officers in the 1,000-member department.

By comparison, the New York City Police Department suspended or fired 218 officers during the three-year period in which the

Knapp Commission investigated pervasive police corruption in that department, or about one in every 125 officers.

Although the Knapp Commission is generally viewed as having uncovered one of the worst police corruption scandals in recent memory, and thus serves as a basis for comparison to Miami's current troubles, the two episodes really do not have that much in common, according to Patrick V. Murphy, who was the reform-minded Police Commissioner of New York during the Knapp era.

Much of the corruption uncovered in New York, said Murphy, revolved around organized corruption within the department, much of it related to gambling but some to narcotics.

"With Miami," Murphy told LEN, "it's principally narcotics, and officers have been charged with much more serious crimes — actual murders, violence."

Continued on Page 6

ATF identifies Georgia as source of handguns used by New York criminals

Federal agents have pointed the finger at Georgia's lenient gun laws to account for the influx of handguns that are turning up in a wide variety of crimes in the New York area.

Unlike New York, which has some of the strictest handgun controls in the country, Georgia law requires only that the purchaser of a handgun be at least 21 years old, a state resident, and neither a convicted felon nor a former institutionalized mental patient.

In most areas of the state, there is no "cooling-off" period that would require a buyer to wait several days before bringing his weapon home.

"We consider Georgia one of the source states for New York," said Robert J. Creighton, special agent in charge of the New York office of the Bureau of Alcohol, Tobacco and Firearms (ATF).

"These guns are showing up here in a wide range of violent crime — shootings of police officers, street murders and in the Jamaican drug trade. There is definitely a well-organized structure for trafficking guns," he said.

Creighton, whose office works jointly with the New York City Police Department on an illegal handgun enforcement program

called Project Lead, said law enforcement does not know how many handguns are in New York or how many are smuggled in. He estimates the number, however, to be in the thousands.

Thomas Stokes, special agent in charge of the ATF's Georgia office, said agents determined in several recent cases that the weapons used in the commission of certain crimes were purchased in Georgia and smuggled north.

"The most recent one resulted in a multiple-count indictment here involving at least two subjects that were engaged in purchasing firearms legally under Georgia law — even though the person who signed the forms might not have been the same person getting them — and the firearms were then taken to New York," Stokes told Law Enforcement News.

One of the weapons that had been purchased turned up in a raid on a crack house in New York.

New York is not the only destination for the guns, Stokes noted, with some weapons purchased in Georgia having turned up in Puerto Rico. "It's a typical pattern of firearms going from states where the firearms laws are not as strict to those where they are more strict," he said.

Moreover, Stokes noted, Georgia should not be singled out as the source of criminals' guns, since its laws are not all that different from the "vast majority" of the states.

Special Agent Creighton identified Florida, Texas and Ohio as three other major sources of handguns that turn up in the possession of criminals. In those states, he said, the laws make it relatively simple to buy firearms using false identification.

In fact, Stokes observed, Atlanta has the same problem as New York has. While that city has a waiting period on handgun purchases, most of Georgia's rural and suburban areas do not. "People go to suburbs to purchase their guns so they don't have to bother with Atlanta's law," he said.

Stokes added that while the great majority of gun dealers are honest, there are always those who are unscrupulous.

"I think any reasonable person would be suspicious of one individual coming in and looking at a firearm, having the money and selecting his purchase, while another person, who is a Georgia resident he seems to hardly know, comes in with him and makes the purchase."

Around the Nation

Northeast

MARYLAND — A survey of Maryland junior and senior high school students shows a continuing decline in drug and alcohol use, but concedes that the "use of drugs and alcohol remains a fact of life among adolescents." The survey of 14,302 students said that drug use among students was about half as prevalent as reported in a similar survey five years ago.

The State Police has proposed pay raises that would average 8 percent for troopers, corporals and sergeants. The plan, said to be designed to bring troopers' pay in line with that in other states, would cost an estimated \$6.4 million next year.

MASSACHUSETTS — Seven current and former Boston police detectives were indicted by a Federal grand jury last month on charges of taking bribes in exchange for overlooking violations at certain restaurants and nightclubs. The indictments stemmed from an ongoing, six-year investigation of alleged corruption involving bars, restaurants and clubs.

NEW HAMPSHIRE — Following the raising of the speed limit in some parts of the state to 65 mph, the fines for speeding have been raised as well. The top fine, for driving 21 to 25 mph over the limit, will be \$165. The minimum fine, for exceeding the limit by 1 to 5 mph, will be \$33.

NEW YORK — The state's highest court, the Court of Appeals, ruled last month that police are not required to keep Breathalyzer tests of drunken-driving suspects who might dispute the test results later on.

In another case, the state Court of Appeals held that administrative hearings do not require the same corroboration of testimony that criminal trials do. According to the ruling, the testimony of an admitted "rogue cop" was sufficient basis to dismiss two officers from the New York City Police Department.

PENNSYLVANIA — A Federal judge in Philadelphia last month rejected the Government's request for an anonymous jury in

Coming up in LEN:

"Nothing could be finer than to be in Carolina. . ."

Police Chief
Reuben Greenberg
of Charleston, S.C.,
tells why,
in a special
LEN interview.

the drug trial of reputed Mafia boss Nicodemo Scarfo and four associates, but agreed to sequester the jurors at a hotel for the duration of the trial. The Government contended that jurors whose identities are known might become fearful because of Scarfo's reputation as a mob boss with a penchant for violence.

Southeast

FLORIDA — In the first fatal police shooting in Tallahassee in 13 years, Officer Richard Bartels shot and killed a stolen-car suspect Nov. 7 when the suspect regained control of his gun during a struggle. The officer was not hurt.

The Hialeah Police Department got its first Hispanic police chief on Nov. 30 when provisional Chief Rolando Bolanos, 36, took command of the 300-member force from acting Chief Raleigh Jordan. Bolanos was one of 14 contenders for the \$68,500-a-year job.

A tough new security ordinance in Gainesville, which requires local convenience stores to keep two clerks on duty at night, is being credited for a recent dramatic decrease in robberies. The robbery rate reportedly dropped 65 percent in seven months.

GEORGIA — Atlanta Police Officer Michael Long was acquitted Nov. 19 of involuntary manslaughter in the controversial killing of auto-theft suspect Eddie Lee Callahan. Callahan was shot six times during a struggle with Long's partner, Ridley Watson. The shooting of Callahan, who was black, outraged the black community following claims that Callahan was handcuffed and lying on the ground when he was shot.

NORTH CAROLINA — Guilford County's first private, nonprofit alternative to prison for female offenders who are pregnant or have young children opened on Dec. 1.

TENNESSEE — Beginning in January, police in Memphis will walk beats at public housing projects to help ease tensions between officers and residents. The move was taken in response to an incident two months ago in which police killed an emotionally disturbed man.

Midwest

ILLINOIS — A Chicago alderman has proposed a city ordinance that would ban "Gotcha," the toy gun that fires paint pellets at its target. Ald.

William Krystiniak's bill would ban the sale of the popular toy, as well as make it unlawful to give away, rent or lend any firearm that propels paint. Said Krystiniak, "Eventually the gangs are going to get ahold of this, design their own pellets and slip them into the gun, and there's going to be gang warfare."

INDIANA — The state has begun issuing color-coded driver's licenses to motorists under 21 in an effort to curb drunken driving by underage drinkers. The background on the photograph of an under-21 driver is red on new licenses, compared to a blue background on other licenses. The change to color-coded licenses was proposed last year by the Students Against Drunken Driving chapter at Dwenger High School in Fort Wayne.

The state Court of Appeals ruled last month that disciplinary hearings for police officers should be open to the public and the news media. The ruling, which the Fraternal Order of Police has said it will appeal, observed that secret hearings breed suspicion and diminish confidence in law enforcement.

MICHIGAN — The state House has approved a bill that would prohibit police departments from requiring officers to meet traffic ticket quotas. The bill moves on to the Senate.

OHIO — State highway safety officials say that strict enforcement of the new 65-mph speed limit has kept down the number of traffic deaths on Ohio's rural interstate highways since the speed limit was raised in July. Said William M. Denihan, director of the Ohio Department of Highway Safety: "Between July 15 and Oct. 20 this year, 22 persons have been killed on rural interstate highways. That's exactly the same number that were killed in the corresponding period in 1986."

WEST VIRGINIA — David Lemmon, the deputy superintendent of the State Police, retired Nov. 16 after 32 years with the state force. His retirement took effect just nine days before he reached the mandatory retirement age of 55.

Kanawha County Sheriff Danny Jones last month confirmed that he used drugs before he became sheriff. He attributed the drug use to "immaturity, stupidity and a propensity to walk on the wild side."

Plains States

IOWA — Law Enforcement Explorers in Bettendorf have begun

accompanying police on patrols for the first time since the April shooting death of Explorer Sheryl Horak, 17. Horak was shot while in a patrol car, by a killer who apparently mistook her for a police officer.

MISSOURI — William Dye, the embattled police chief of Columbia, will step down on Dec. 31. Dye, the city's first black police chief, was asked to resign more than month ago by City Manager Ray Beck. The police chief of Columbia for five years, Dye said he is resigning now to take advantage of the city's severance offer.

MONTANA — Field employees of the Montana Power Co. have begun receiving special training as observers to help law enforcement agencies in the central and western parts of the state. The workers will report auto accidents, fires and possible crimes in progress.

NEBRASKA — The City of Scottsbluff has approved a pact to begin providing law enforcement services for Tarrytown starting Jan. 1, 1988. Tarrytown will pick up the \$52,000 annual tab for the police services.

WYOMING — Natrona County Sheriff Ron Ketchum has announced a new crime prevention program to be funded by a \$35,000 Federal grant. The program will include an expansion of neighborhood watches, youth education, increased security checks for businesses and more patrols in high-crime areas.

Southwest

ARIZONA — Lawrence L. Taylor, 40, who was convicted recently on 85 counts of sexually exploiting and molesting children, was sentenced last month to consecutive prison terms of 35 years on each count before he is eligible for parole. Judge G. Thomas Meehan said that under state law he had no discretion in sentencing Taylor to the 2,975-year term.

COLORADO — A Federal jury last month found two members of the Order, a neo-Nazi band of white supremacists, guilty in the 1984 assassination of a radio talk show host in Denver. Bruce Pierce, 33, was convicted of shooting Alan Berg 13 times with a Mac-10 submachine gun, while David Lane, 48, was convicted of driving the getaway car. Two other members of the Order were acquitted.

A cooperative effort to fight the drug crack will be launched by the police departments in Denver and Aurora, along with the U.S. Drug Enforcement Administration. The program will be funded by a \$300,000 Federal grant.

TEXAS — Police in San Antonio say that members of a violent youth gang known as "the Klan" are involved in 25 percent of the city's auto thefts. More than 10,000 cars were stolen in the city over the first nine months of this year, 3,600 more than in all of 1986. A police spokesman said adult car thieves are paying youth gang members \$200 for each car or truck stolen.

CALIFORNIA — Jimmy Lee Smith, one of two men convicted in the "Onion Field" kidnapping and murder of a Los Angeles policeman in 1963, was arrested last month on a drug charge that could result in the revocation of his parole. Smith is on parole for a drug-selling conviction in 1984, for which he served two and a half years.

The California Supreme Court last month upheld the death sentence imposed on a Los Angeles man whose fatal shooting of a store clerk was recorded by the store's videotape security system. The court dismissed dozens of defense claims of mistakes made during trial by police, the judge and the prosecutor, including the key contention that the defendant had been inadequately represented by his two lawyers during the penalty phase of his trial. Noted Justice Edward Panelli, "Even when a defendant's life is at stake, he is entitled to a fair trial but not a perfect one."

NEVADA — State prison director George Sumner said last month that the first full-blown cases of AIDS have been discovered in two inmates, but said he was not going to isolate those convicts who have tested positive for the disease. So far, about 105 of the 4,400 inmates in the prison system have tested positively for the AIDS virus. Inmates are tested when they arrive in prison and again when they leave the system.

WASHINGTON — James J. Nickle, 49, has been named to serve as acting King County Sheriff when incumbent Sheriff Vern Thomas retires on Jan. 1. Nickle is a 26-year veteran of the sheriff's department. The search for a permanent successor is expected to take six months.

Omaha rethinks minority ties

Following a strong reaction by Omaha's black community to a medal of valor awarded to a white officer who killed a black man in the line of duty, the city has made plans to implement several suggestions to improve police-minority relations as soon as possible.

At the suggestion of Mayor Bernie Simon, the city will establish a "citizen's academy" that will allow outsiders to observe police recruit training. "It improves training, educates the community in police matters and gains substantial support for police officers," Simon noted in a letter to Interdenominational Ministerial Alliance, an organization representing the city's minority community.

In addition, a black command

officer will be assigned to the North Omaha Community Relations and Crime Prevention Office. The commander, who will be appointed in February, will be in charge of minority community relations. The department will also begin undergoing preparation for accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

"The national commission has been positively recognized by communities across the country, and the accreditation process is one of professional national law enforcement standards," Simon wrote.

The City Council is currently reviewing a request by the Alliance for the establishment of a civilian review board, which

would be empowered to investigate allegations of police misconduct. According to Police Chief Robert Wadman, however, both state law and city charter provisions bar the creation of such a board, as would restrictions built into the police union contract.

Simon told the ministerial group that he too had serious reservations about such a review board. "It would serve no purpose without the authority to conduct proper investigations, including the right to subpoena witnesses and hold hearings," Simon observed. "There are many legal problems in connection with such activities."

Despite the current spate of community relations problems,

NY cops get battery of nonlethal weapons

Police officers in New York City will soon have available to them a battery of five nonlethal alternatives that fall in between the options now offered by the .38-caliber revolver and the nightstick, as the police department last month concluded a search for such devices that began in 1984.

The nonlethal alternatives — some protective devices, others weapons — will be placed in the trunk of a sergeant's patrol car in each of the city's 75 precincts. Although the department has experimented with nonlethal devices before, this is the first time they will be deployed on a citywide basis.

Several of the devices, such as the Taser and Nova stun guns, have been used on a limited basis before. While both have been shown to be effective, each has its drawbacks.

The Taser stun gun shoots two darts attached to the weapon by thin, 15-foot wires, delivering an electrical shock to the body. While the Taser has been used against violent perpetrators by the department's Emergency Services Unit since 1985, both darts must hit the target to be effective. The weapon proves ineffective against persons in heavy winter clothing or if the officer jerks his hand while firing the weapon.

The Nova XR5000 stun gun is conceptually similar to the Taser but is hand-held and must make direct contact with the person to be effective. The Nova unit was at the center of a police brutality controversy in recent years when the device was used by officers to torture a teenager into confessing that he had sold drugs.

Both weapons deliver a 50,000-volt electrical charge at .00006 amps, enough to fell an adult.

Police precincts will also be issued a canister, similar to a fire extinguisher, which can immobilize individuals with a high-pressure stream of water. Along with the water cannon, officers will be able to call for a 17-pound, 5-foot-by-3-foot plastic shield. The shield, although not bullet-proof, can withstand blows from blunt objects such as sledgehammers.

Another protective device, which was recently deployed on an experimental basis in a limited number of precincts, consists of Velcro restraint straps that can be looped around the thighs, ankles or arms of a suspect who continues to thrash or kick in custody in a patrol car. [For more details, see LEN, Oct. 13, 1987.]

The department has been searching for nonlethal alternatives since at least 1984, when Officer Stephen Sullivan of the Emergency Services Unit shot and killed Eleanor Bumpurs with a shotgun during a botched eviction attempt. Bumpurs, a large, elderly black woman with a history of mental illness, came at Sullivan and his partner with a 10-inch butcher's knife.

Two other highly controversial cases in which suspects died at the hands of police occurred last February, intensifying the department's search for alternative weapons and protective gear.

In one case, Nicholas Bartlett was shot several times and killed after reportedly striking an officer with a 14-inch steel pipe and then raising the pipe to menace other officers who tried to arrest him.

That same month, Wajid Abdul Salaam died while in police custody after officers had "hogtied" him with medical gauze. Salaam's death prompted Police Commissioner Benjamin Ward to issue an order banning hogtying.

Police officials conceded that deadly force will continue to be necessary in some situations, but, said Ward: "I believe that if this equipment had been available in the Bartlett incident, perhaps the police officers would have been able to continue to dance out of the way of the 14-inch bar Bartlett was swinging if they knew that within seconds a sergeant would respond to the scene with a nonlethal alternative."

LEN Flashback: Nov. 1977

A study of the New York City Police Department found that the overall performance of female patrol officers is generally equal to that of males, but the women tend to make a better impression on the public

PERF seeks four sites for test of problem-oriented policing vs. drugs

The Police Executive Research Forum has begun looking for a few good test sites for an experimental project on the possible applications of the problem-oriented policing concept on drug enforcement.

"Basically, we will be selecting four sites and take problem-oriented policing and apply it to one class of problems — namely, drugs," said John Eck, the project's director at PERF. "We'll try to find out whether this approach to policing is a more effective solution to drug problems. We also want to find out specifically a little more about neighborhood drug problems through analysis and find out if there are any tactics or strategies that seem to be particularly effective in certain situations."

The program, funded by the Justice Department's Bureau of Justice Assistance, carries a \$1.2-million price tag. It stems from the research PERF has been

doing on problem-oriented policing over the past few years.

Problem-oriented policing, a concept devised by Professor Herman Goldstein of the University of Wisconsin Law School, is an approach to solving specific problems in a community by seeking out and addressing the underlying causes. Police are then able to eliminate a problem instead of responding to its symptoms.

"We have found in earlier research funded by the National Institute of Justice that patrol officers can have a tremendous impact on crime and service problems in their communities if they work with citizens, business people, and other organizations to develop tailored solutions," said Darrel Stephens, PERF's executive director.

Those law enforcement agencies selected for the project will receive technical assistance, training, and up to \$56,000 in

funding. "What we're hoping to do is get the four agencies to first do a 'drug-problem inventory,'" Eck told LEN. The inventory, he said, would be a comprehensive list of the sort of drug problems facing a particular jurisdiction. Patrol officers would then be asked to do a "careful analysis" of those drug problems in the normal course of their work.

Eck said the officers would work with members of the local community and other city and county agencies, in addition to private groups, business groups and others, in order to learn as much as they can about each of the problems identified.

"We expect there to be a variety of mixed responses, some of it traditional — some buy-and-busts, confiscating drugs, making arrests — but we are hoping that this yields some other tactics which can be used in conjunction or instead of traditional approaches," said Eck.

Illinois county eyes 911 system

At the urging of police and municipal leaders, St. Clair County, Ill., officials have begun looking into the possibility of establishing a countywide 911 emergency telephone system.

County officials, who recently discussed the proposal with the Illinois Bell Telephone Company, are considering an enhanced system that would allow calls to be traced to their point of origin and assigned to the proper local police department.

The county, said director of administration Dan Maher, will attempt to gauge the level of local support for the proposal as well as determine the degree of municipal involvement. It will then try to work out a plan with the telephone company.

Currently, only three cities in the Metro East area have 911 systems: East St. Louis in St.

Clair County and Edwardsville and Highland in neighboring Madison County. According to an East St. Louis police spokeswoman, the 911 service in that city would not be altered in any way if a countywide system is set up.

Maher said that officials have heard a "number of positive things" about 911 from county residents. "From our perspective this would have to be a countywide effort with the various municipal police and municipalities involved," he said.

Nine-eleven systems are not cheap, noted one member of the O'Fallon Board of Aldermen. The board, along with the Fairview Heights City Council, has expressed support for the proposal. "We felt it would be less costly if we approached the county and request they look into the possibility

of establishing a 911 for the entire county," said Alderwoman Nancy Jurke.

Police chiefs in the area say they favor the enhanced 911 system, with its call-tracking ability, over the basic system. With a basic system, such as is used in East St. Louis, Edwardsville and Highland, 911 calls from telephone exchanges in one municipality could end up being assigned to police from a different town.

Moreover, noted Fairview Heights Police Chief Roger Richards, Fairview Heights shares seven telephone exchanges with other municipalities in the area. "If we are going to have 911, for a few dollars more we should have the sophisticated system that has tracking ability," he said.

Five more added to CALEA list

The Commission on Accreditation for Law Enforcement Agencies (CALEA) bestowed its seal of approval to five additional law enforcement agencies last month, bringing the total number of accredited departments in the United States to 56.

The newly-certified agencies are the Kettering, Ohio, Police Department; the Prince William County, Va., Police Department; the Rochester, N.Y., Police Department; the Thomasville, Ga., Police Department and the Virginia Beach, Va., Police Department. The agencies have worked toward accreditation for nearly two years, according to Ken Medeiros, CALEA's executive director.

Applicants for accreditation must meet more than 800 standards in state-of-the-art in law enforcement policy and procedures, administration, operations and services in order to be certified.

"Citizens served by [the] 56 agencies in the U.S. representing all regions and sizes, will know they are receiving highest quality police services," said Medeiros. "They can be sure of excellence."

People and Places

No heart for Chicago cop

Despite an all-points-bulletin to locate a suitable organ donor, Chicago police arson investigator Ronald Gall died of heart failure last month after the nationwide search failed to find him a heart for transplant.

"We had the information out on all of the networks which deal with organ replacements, but, unfortunately, no heart could be located in time," said Michael Ward, a spokesman for Loyola University Medical Center.

After suffering a series of heart attacks, Gall was hooked up to a mechanical device to assist his damaged heart. He was removed from the machine after doctors decided he could function without it.

The 50-year-old investigator received more than 20 commendations and honorable mentions during his 21-year career with the Chicago Police Department. Gall spent his last eight years on the force with the Bomb and Arson Unit.

Robert Mahon; Vincent White; Tom Pendergast; Peter Noonan, and Stan Gorska.

Their efforts culminated in the donation of \$20,000 to the memorial fund, the largest contribution to date from a law enforcement group.

Craig W. Floyd, executive director of the National Law Enforcement Officers' Memorial Fund, said the run was symbolic of the "commitment and sacrifice that our police officers give to our country every day of the year."

The memorial, which will honor all Federal, state and local officers killed in the line of duty, has had its share of setbacks in recent few months. The Ellipse, between the Washington Monument and the White House, had originally been proposed as the site for a memorial consisting of a bower of flowering trees. However, the National Capital Memorial Commission rejected the plan, stating that the Ellipse was too highly-prized a site for any memorial other than one honoring a President or a future war.

The proposed site at Judiciary Square is said not to lend itself to a circle of trees, and thus a more traditional monument will likely be erected.



Twelve Rockland County, N.Y., police officers take a well-deserved break in Washington, D.C., after running 300 miles to raise money for the National Law Enforcement Memorial Fund. The runners were (front row, l. to r.): Vincent White, James Goldrick, William Engelbrachth, Robert Mahon, Robert Myer, Peter Noonan, and Stan Gorska; (2nd row): Robert Goldrick, Peter Modafferi, Christopher Goldrick (holding check), Tom Pendergast and William Michella. On hand to greet the runners were (back row, l. to r.): "Crime Story" TV star Dennis Farina, Metropolitan Transit Police Chief Angus B. McLean, Rockland County Sheriff Thomas J. Goldrick, Rockland County District Attorney Kenneth Gribetz, Metropolitan Police Chief Maurice Turner, Memorial Fund executive director Craig W. Floyd, Rep. Benjamin A. Gilman, Memorial Fund project director Jan C. Scruggs, Rep. Mario Biaggi, and Justice Department liaison Joseph Morris. (See story at left.)

NLEMF/Peggy Harrison

Who're you calling flatfoot?

Thomas Dillon, Gary Miller and Kenneth Veach, all currently assigned there, and other, unnamed agents.

The suit charges that Rochon was physically and mentally harassed by fellow agents and that the abuse was "ignored, condoned and often perpetuated or actually participated in by high FBI officials."

Special Agent Miller was suspended for 14 days after an FBI administrative hearing found him guilty of forging Rochon's name on an insurance policy. Rochon's lawsuit charges that white agents took up a collection to pay Miller's salary during the suspension.

Rochon charges that, unlike other agents, he was not allowed the opportunity to transfer to the general area of his choice. A

native of Los Angeles and a former member of the Los Angeles Police Department, Rochon requested a transfer to the West Coast. Instead, he was given 24 hours to choose from a list of East Coast cities for an involuntary transfer.

U.S. Representative William H. Gray III, the chairman of the House Budget Committee, has requested that committees in both the House and the Senate investigate Rochon's allegations. Said Gray, "I am sure this does not represent what American citizens expect out of the highest law-enforcement agency."

The alleged conduct of the white FBI agents, Gray said, "sends a signal...that it is open season to practice bigotry, sexism, anti-Semitism and any other form of discrimination."

According to Bob Long, an FBI spokesman in Chicago, a thorough civil rights investigation is underway by the bureau and the Justice Department to determine whether criminal charges will be sought.

"Racial discrimination has absolutely no place in the FBI and will not be tolerated," Long said.

Monumental fund-raising

The proposed National Law Enforcement Memorial got a shot in the arm recently when a group of 12 law enforcement officers completed a 300-mile run from Nyack, N.Y., to Washington, D.C., to raise money for the privately-funded project.

The relay run, which lasted two days, was made by a group calling itself the Rockland County Law Enforcement Memorial Team. Nyack was chosen as the starting point for the run in honor of Sgt. Edward O'Grady and Officer Waverly L. Brown, two Nyack officers who were shot and killed during an armored-car robbery six years ago. The memorial symbolism of the run was completed when the runners arrived at Judiciary Square in Washington, which is currently the preferred site for the national police memorial.

The officers whose feet and fortitude raised funds for the memorial were: Christopher Goldrick; Robert Goldrick; James Goldrick; Peter Mudafferi; William Michella; William Engelbrachth; Robert Myer;

Two-piece suit for FBI

A black special agent of the Federal Bureau of Investigation has filed suit charging that he was the target of a three-year harassment campaign by white colleagues in the FBI's Omaha and Chicago field offices.

According to court papers filed by Special Agent Donald Rochon, who is now assigned to the bureau's Philadelphia office, fellow agents in Chicago and Omaha took out death and burial insurance in Rochon's name, sent anonymous letters and made anonymous telephone calls threatening the agent and his wife.

Rochon's suit seeks a criminal investigation into civil rights violations by the U.S. Department of Justice — which Rochon contends ignored repeated requests for a criminal investigation — and unspecified monetary damages.

The respondents to Rochon's lawsuit include Edward Hegarty, former special agent in charge of the FBI's Chicago office; agents

Tackling the AIDS puzzle



Dr. Gad J. Benainger, chairman of the Department of Criminal Justice at Loyola University of Chicago, huddles with Harvey Grossman, legal director of the Illinois Civil Liberties Union, before Grossman addressed an Oct. 21 conference on law enforcement and AIDS. Grossman said, "A punitive and coercive approach to AIDS will only drive the disease underground."

What They Are Saying

"It had to come somewhere along the line, with those temptations, that the bubble would burst."

Commissioner Robert Dempsey of the Florida Department of Law Enforcement, on the growing drug-corruption scandal in Miami. (6:3)

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Defendant or DA — who is silenced?

We are all familiar with the Miranda warnings, especially the first one: "You have a right to remain silent."

In this week's U.S. Supreme Court case, the strength of that



Supreme Court Briefs

Jonah Triebwasser

right is tested as our nation's highest court rules that a prosecutor's question at trial concerning a defendant's post-arrest silence does not necessarily mandate reversal of a subsequent conviction.

Facts of the Case

In 1980, Neil Gorsuch was kidnapped, robbed and murdered after leaving a bar in Jacksonville, Ill. Three men were charged with the crimes: Randy Williams, Clarence Armstrong and Charles Miller. Williams confessed and later entered into a plea agreement under which most of the charges against him were dropped in return for his testimony at the separate trials of Armstrong and Miller.

At Miller's trial, Williams testified that he, his brother and

Armstrong had met Gorsuch in a tavern on the evening of Feb. 8. Armstrong offered the victim a ride back to his hotel, and the four men left together at about 1:30 A.M. After Williams' brother was dropped off, Armstrong began beating Gorsuch in the back seat of the car. According to Williams' testimony, the group stopped briefly at Williams' parents' home to pick up a shotgun, and the men then drove to the trailer home where Miller was staying. Williams testified that Miller joined the group, and that they then traveled to a bridge on an isolated road. Once there, Williams stated, each of the three men shot Gorsuch in the head with the shotgun.

Charles Miller took the stand on his own behalf and told a different story. On direct examination he testified that he had taken no part in the crime, but that Armstrong and Williams had come to the trailer home after the murder was committed to seek Miller's advice. Miller testified that Armstrong confessed that he and Williams had beaten and robbed Gorsuch, and that they had killed him to avoid being identified as the perpetrators.

The prosecutor began his cross-examination of Miller as follows:

"Q: Mr. Miller, how old are you?"

"A: 23."

"Q: Why didn't you tell this story to anybody when you got arrested?"

Defense counsel immediately objected. Out of the hearing of the jury, Miller's lawyer requested a mistrial on the ground that the prosecutor's question violated Miller's right to remain silent after arrest. The trial judge denied the motion, but immediately sustained the objection and instructed the jury to "ignore [the] question, for the time being." The prosecutor did not pursue the issue further, nor did he mention it during his closing argument. At the conclusion of the presentation of evidence, defense counsel did not renew his objection or request an instruction concerning the prosecutor's question. Moreover, the judge specifically instructed the jury to "disregard questions...to which objections were sustained." Miller was convicted of murder, aggravated kidnapping and robbery, and was sentenced to 80 years in prison.

A Harmless Error?

Miller appealed his conviction, contending that the prosecutor's question violated the Miranda right to remain silent.

In response, the State argued that if the prosecutor's question

about Miller's post-arrest silence was prohibited, the error was harmless under the standards of *Chapman v. California*, 386 U.S. 18 (1967). The Illinois Appellate Court rejected the State's argument and reversed the conviction, concluding that the evidence against Miller "was not so overwhelming as to preclude all reasonable doubts about the effect of the prosecutor's comment." *State v. Miller*, 104 Ill. App. 3d 57, 61, 432 N.E. 2d 650, 653-654 (4th Dist., 1982). The Supreme Court of Illinois disagreed and reinstated the trial court's decision. *State v. Miller*, 96 Ill. 2d 385, 450 N.E. 2d 322 (1983). The Illinois high court noted that the prosecutor's question was an isolated comment made in the course of a lengthy trial, that the jury had been instructed to disregard the question, and that the evidence properly admitted was sufficient to establish Miller's guilt beyond a reasonable doubt. *Id.*, at 396, 450 N.E. 2d, at 327. The error, the court ruled, did not require reversal of the conviction.

Miller then filed a petition for a writ of habeas corpus in the Federal District Court for the Central District of Illinois. The District Court denied the petition, finding "no possibility that the prosecutor's questioning on

post-arrest silence could have contributed to the conviction." A divided panel of the United States Court of Appeals for the Seventh Circuit reversed the District Court's decision. *United States ex rel. Miller v. Greer*, 789 F. 2d 438 (1986). The *en banc* court found that because Miller had received Miranda warnings at the time of his arrest...violated his constitutional right to a fair trial." *Id.*, at 442. The court further held that the error was not harmless beyond a reasonable doubt under *Chapman v. California*, *supra*, because "[t]he evidence against Miller was not overwhelming, his story was not implausible, and the trial court's cautionary instruction was insufficient to cure the error." 789 F. 2d, at 447.

The United States Supreme Court granted certiorari to review the appellate court's determination that the prosecutor's question about Miller's post-arrest silence requires reversal of his conviction.

Powell's Swan Song

In his final criminal justice opinion before announcing his retirement at the end of the last term, Justice Lewis Powell spoke

Continued on Page 6

Diagramming sentences:

Guidelines to add to US prison crowding

It will be some time before the full effects of the new sentencing guidelines for Federal crimes are



Burden's Beat

Ordway P. Burden

felt, but one thing is certain: More prison space will be needed.

Under the new guidelines, which cover crimes committed after Nov. 1, 1988, Federal judges will be required to impose sentences within a much narrower range than they have previously. The U.S. Sentencing Commission estimates that the result will be an increase in the average sentence from 15.8 to 29.3 months.

Most of the increase is due to harsher penalties for drug offenses and violent crimes. For most property crimes, the average sentence will change very little. There will also be much less use of probation as part of sentencing, especially for serious crimes. In addition, parole will be abolished. The only way Federal offenders will be able to shorten their sentences under the new guidelines is by good behavior in prison.

The upshot, according to Sentencing Commission projections, will be an increase in the Federal prison population of around six

percent in 1992, three percent in 1997 and two percent in 2002. Much of the rise will be due to longer terms for burglary and crimes against the person.

The rise in prison population sounds fairly modest but it does not give the full picture of the prison crisis. In making its projections, the Sentencing Commission had to take into account the effects of the Comprehensive Crime Control Act of 1984 and the Anti-Drug Abuse Act of 1986. The Crime Control Act mandated long sentences for career criminals and the drug legislation significantly boosted sentences for dealers.

Factoring in those effects, the commission projected at least a doubling of the Federal prison population by 1997. This is for a system that is already over capacity with 42,000 inmates. So there's no question that there will have to be a major prison building program, due more to stiffening of sentences for career criminals and drug offenders than to the new guidelines.

Since the guidelines apply only to crimes committed after Nov. 1, their impact on the prison system will be gradual. Paul Martin, a commission spokesman, said it was expected that only about 32 offenders would be sentenced under the guidelines in November and perhaps 600 in December. Most of them will be in the border states where illegal immigrants



This prison inmate may be getting a lot more company, as new sentencing guidelines will double the Federal prison population. Wide World Photo

are caught crossing, waive indictment and immediately plead guilty.

"It will be a very gradual phase-in," Martin predicted. "It will take up to five years for the whole Federal court system to be using the guidelines exclusively."

The Sentencing Commission is continuing its work, monitoring the use of the guidelines by Federal judges. Each year it will submit amendments to Congress as a result of its studies. If Congress doesn't reject them within six months, the amendments will become part of the guidelines.

In its early deliberations, which began two years ago, the Sentencing Commission juggled the hot potato of capital punishment. The death penalty has not been imposed in Federal cases since 1972 when the Supreme Court ruled unconstitutional some state laws on capital punishment. Nevertheless, the death penalty remains in Federal law, and many leaders in the law enforcement community wanted the Sentencing Commission to include guidelines for it. As chairman of the National Law Enforcement Council, I testified in favor of such guidelines along with the leaders of several NLEC member organizations.

Critics claimed that Congress did not intend for the Sentencing Commission to address the death penalty issue, and the commission decided to pass on it rather

Continued on Page 6

Justices examine harm in prosecutor's error

Continued from Page 5

for a divided court in reversing the Court of Appeals and remanding the case.

The starting point of Powell's analysis of the facts and circumstances in this case was the Court's earlier decision in *Doyle v. Ohio*, 426 U.S. 610 (1976). The petitioners in *Doyle* were arrested for selling marijuana. They were given Miranda warnings and made no post-arrest statements about their involvement in the crime. At trial, they contended that they had been framed by a government informant. As part of his cross-examination, the prosecutor repeatedly asked the petitioners why, if they were innocent, they did not give the explanation that they proffered at their separate trials to the police at the time of their arrest.

Defense counsel's timely objections to this line of questioning were overruled. Also over timely objections, the trial court allowed the prosecutor to argue the petitioners' post-arrest silence to the jury.

On review, the Supreme Court found that the *Miranda* decision "compel[ed] rejection" of the contention that such questioning and argument are proper means of impeachment, 426 U.S., at 617. The Court noted that post-arrest silence may not be particularly probative of guilt. The Court also found that because *Miranda* warnings contain an implicit assurance "that silence will carry no penalty," 426 U.S., at 618, "it does not comport with due process to permit the prosecution during the trial to call attention to [the defendant's] silence at the time of arrest and to insist that because he did not speak about the facts of the case at that time, as he was told he need not do, an unfavorable inference might be drawn as to the truth of his trial testimony." *id.*, at 619 (quoting *United States v. Hale*, 422 U.S. 171, 182-183 (1975)). Accordingly, the Court held in *Doyle* that "the use for impeachment purposes of petitioners' silence, at the time of

arrest and after receiving *Miranda* warnings, violated the Due Process Clause of the 14th Amendment." 426 U.S., at 619.

Miller Case Is Different

However, noted Justice Powell, the facts of the *Miller* case were markedly different from those in *Doyle*, and those different facts led to a different result.

As Powell noted: "[T]he trial court in this case did not permit the inquiry that *Doyle* forbids. Instead, the court explicitly sustained an objection to the only question that touched upon Miller's post-arrest silence. No further questioning or argument with respect to Miller's silence occurred, and the court specifically advised the jury that it should disregard any questions to which an objection was sustained. Unlike the prosecutor in *Doyle*,

the prosecutor in this case was not 'allowed to undertake impeachment on, or 'permit[ted]... to call attention to' Miller's silence, 426 U.S., at 619, and n. 10. The fact of Miller's post-arrest silence was not submitted to the jury as evidence from which it was allowed to draw any permissible inference, and thus no *Doyle* violation occurred in this case.

Justice Powell went on to point out that "[a]lthough the prosecutor's question did not constitute a *Doyle* violation, the fact remains that the prosecutor attempted to violate the rule of *Doyle* by asking an improper question in the presence of the jury. This Court has recognized that prosecutorial misconduct may 'so infect [t] the trial with unfairness as to make the resulting conviction a denial of due process.' *Donnelly v. DeChristoforo*, 416 U.S. 637, 643

(1974). To constitute a due process violation, the prosecutorial misconduct must be 'of sufficient significance to result in the denial of the defendant's right to a fair trial.' *United States v. Bagley*, 473 U.S. 667, 676 (1985) (quoting *United States v. Agurs*, 427 U.S. 97, 108 (1976))."

The Illinois Supreme Court ruled that the prosecutor's question was harmless beyond a reasonable doubt, 96 Ill. 2d, at 396, 450 N.E. 2d, at 327. "When a defendant contends that a prosecutor's question rendered his trial fundamentally unfair," wrote Powell, "it is important 'as an initial matter to place th[e] remark[k] in context.' *Darden v. Wainwright*, 477 U.S. ____ (1986). See *Donnelly v. DeChristoforo*, *supra*, at 639 (determining whether 'remarks, in the context of the entire trial,

were sufficiently prejudicial to violate respondent's due process rights'). The sequence of events in this case — a single question, an immediate objection, and two curative instructions — clearly indicates that the prosecutor's improper question did not violate Miller's due process rights. The Illinois Supreme Court's determination that the properly admitted evidence at trial 'was sufficient to prove defendant's guilt beyond a reasonable doubt,' 96 Ill. 2d, at 396, 450 N.E. 2d, at 327, further supports this result."

Jonah Triebwasser is a former police officer and investigator who is now a trial attorney in government practice. He is a member of the Bar of the Supreme Court of the United States.

Drug graft, violence shakes Miami

Continued from Page 1

shooting drug dealers for the loot or drugs. Graft is one thing, but when the police start resorting to violence and shootings, then I think that is much more serious."

Robbing Drug Dealers

The investigation into the Miami Police Department by the Federal Bureau of Investigation and local authorities began with the "River Cops" case, in which seven former Miami police officers, all age 30 or younger, were charged with robbing would-be drug buyers and cocaine dealers, along with other criminal activities.

Three of the defendants, Officers Armando Estrada, Roman Rodriguez and Armando Garcia, were also accused of stealing 350 kilograms of cocaine from a boat docked on the Miami River. During their raid on the boat, prosecutors charged, three men guarding the contraband jumped overboard into the river and drowned.

The first trial of the River Cops ended in a hung jury last January.

Since that first trial, the number of officers linked to that case has increased significantly. A Miami Police Department spokesman said about a quarter of those officers dismissed since 1985 have been linked to the "River Cops" case in some way.

In October, the first of what is now 12 former officers charged in the case was found guilty. He faces a possible 48 years in prison for cocaine conspiracy and possession and tax evasion for taking \$100,000 to guard 400 pounds of the stolen cocaine.

'Corruption Was Inevitable'

Miami police officials, along with others, blame much of the corruption problem the department is facing on the heavy drug trafficking that rolls through the Southern tier of the United States.

"The drug trade is flourishing in South Florida as it is all over the country," said Sam Harlan, a public information officer with the Miami Police Department. "It's not only having an effect on the Police Department but it's having an adverse effect on all institutions in our community. The Police Department is just reflecting, since we are reflective of our community."

Commissioner Robert Dempsey of the Florida Department of Law Enforcement says the potential for police corruption dwarfs anything that existed during the country's 13-year Prohibition era.

"It had to come somewhere along the line, with those temptations, that the bubble would burst," Dempsey said. "It happened unfortunately in the city of Miami, which is the heart of the drug trafficking area. Given the amount of money involved there, and the fact that drug traffickers act almost with impunity, it was inevitable that eventually some policemen would become in-

involved and corrupted by it."

But while there is no disputing the unhealthy influence drug trafficking has had on law enforcement over the past few years, the exceptionally high percentage of Miami officers involved with illegal activities can be seen as a symptom of deeper, underlying problems dating back to the early 1980's that made the agency particularly vulnerable to a corruption scandal.

Rushed Into Service

"They rushed people into the system without adequate backgrounds and without proper training in integrity and ethics," said Dempsey, recalling the pressure on the Miami department in 1980 to recruit hundreds of new officers in order to bring the department up to authorized personnel strength.

The Miami Police Department was experiencing a substantial manpower shortage. Dempsey said, due largely to retirement-generated attrition. "It almost reached the crisis stage with the riots occurring in 1980. That was the time we started recruiting as fast as we could."

From 1980 to 1982, the department hired some 600 additional officers. At the same time, Miami was under a strict mandate from the Federal courts to recruit more officers from minority groups from within the Miami city limits.

"You had to look at people of questionable qualifications, but because you were up against court mandates you had to take them," said Dempsey. "You had to get bodies out on the street as quickly as possible with limited training."

On some shifts, he said, the senior officer on patrol would be a rookie with only seven or eight months experience.

That rapid expansion over such a short period of time taxed the department's training and personnel systems, recalled Bob

Warshaw, a former assistant police chief in Miami.

Warshaw, who is now director of administration for the DeKalb County, Ga., Department of Public Safety, served under Chief Kenneth Harms and his successor, Herbert Breslow.

Losing Veteran Patrolters

The department's major failing, in Warshaw's view, was allowing experienced officers in the patrol division to fill long-awaited vacancies in the specialized units. "In so doing, we had an inordinate number of new officers being trained by new officers in the patrol section with little experience," he said.

Moreover, said Warshaw, the background checks being done on applicants at that time "could have been more complete than they in fact were."

He cautioned, however, that affirmative action should not be blamed for the department's problems. "I view with great skepticism comments attributed to others that somehow the affirmative action role of the city led to corruption and scandal. That is an abhorrent comment and an insult to the black and Hispanic communities of Miami."

Praise for Dickson

Warshaw and others offered nothing but praise for Chief Dickson for his efforts to expand beyond the city limits the area from which the department may recruit, and for his integrity and his dedication to "cleaning house."

Former Commissioner Murphy contends that Dickson inherited the current state of the department from Chief Kenneth Harms, whose six-year tenure ended under fire in 1984.

"By the time Dickson became chief, he inherited some very serious problems," said Murphy. "We could not expect him to solve them overnight."

Sentencing Commission avoids death penalty issue

Continued from Page 5

than delay its work on guidelines for other crimes. The commission's chairman, Federal Judge William W. Wilkins Jr., explained: "While I personally favor capital punishment, I voted with the commission majority [to exclude the issue from the initial guidelines]. I did not want to jeopardize the months of work that the commission had invested in this important sentencing guidelines effort. The subject of capital punishment is so highly controversial and emotional that it would easily have overshadowed any consideration of the merits of the remainder of the sentencing guidelines and possibly led to rejection of the en-

tire product."

We may hope that in coming years the Sentencing Commission will reconsider the death penalty question. It is certainly true that the issue is highly charged, but as long as capital punishment remains in Federal law, the courts should have guidance on when and how to impose it.

Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood P.O., NJ 07675.

The ins and outs of money laundering

By Anthony V. Langone

Money laundering is big business. It is also a business with varied players and clientele: drug dealers saddled with millions of dollars in cash per week; ostensibly legitimate businessmen trying to evade taxes; giant corporations setting up slush funds for bribes and kickbacks, and ordinary people trying to hide their assets.

Money laundering is the focus of one of the primary investigative initiatives today within the Internal Revenue Service, whose agents have been recognized as financial investigative experts. This recognition stems in part from the IRS's unique ability to identify the "professionals" in our society who profit from various forms of tax evasion and tax fraud.

The only viable means of attack against this class of criminal is through financial investigations. One of the IRS's primary weapons in combatting money laundering is the Bank Secrecy Act, passed by Congress in 1970 as a result of concerns expressed by law enforcement over the laundering of illegally-generated proceeds through domestic banks and foreign tax havens. The legislative history of the act shows that Congress explicitly recognized such an approach as having a high degree of usefulness in criminal, tax or regulatory investigations or proceedings.

From the IRS viewpoint, the purpose of the Bank Secrecy Act is to identify and aid investigations of tax evaders and tax avoiders. In addition, the IRS has a corresponding commitment to the Administration's objective of deterring the flow of narcotics and narcotics-generated proceeds.

Four Basic Tools

The Bank Secrecy Act provides four basic tools to identify those who attempt to conceal their par-



WHERE MONEY LAUNDERING BEGINS: Frances Sclafani, a member of the President's Commission on Organized Crime, and Jack Leonard, a commission investigator, display bags of seized cocaine during 1984 hearings on how cocaine profits are laundered through U.S. financial institutions. *Wide World Photo*

ticipation in crimes where substantial amounts of currency are generated, and to provide a basis for prosecuting those who fail to comply with its requirements. Those tools are:

¶ **A paper trail of records** that must be maintained by financial institutions for up to five years. These records include copies of checks, drafts, money orders and customer identification information.

¶ **A Currency Transaction Report (CTR)** that must be filed by banks and other financial institutions whenever a currency transaction over \$10,000 occurs. CTR's (Form 4789) are filed with the IRS and all criminal violations of the CTR reporting requirements are investigated by the IRS Criminal Investigation Division.

¶ **A Currency or Monetary Instruments Report** that must be filed with U.S. Customs whenever currency or monetary instruments over \$10,000 are transported across U.S. borders (inbound or outbound). International transfers of funds through banking procedures that do not involve the physical transportation of funds are exempted. Certain other shipments by banks are also exempted, such as shipments through the Postal Service or by a common carrier. CMIR (Form 4790) violations are investigated by U.S. Customs.

¶ **A Foreign Bank Account Report (FBAR)** must be filed with the IRS by persons subject to U.S. jurisdiction who have a financial interest in, or signature authority over a foreign financial account in excess of \$10,000. FBAR (Form 90-22.1) violations are investigated by IRS.

Recent regulatory amendments added further reporting re-

quirements to those of the Bank Secrecy Act.

¶ **Casinos** with gross annual gaming revenue over \$1,000,000 are added to the list of financial institutions that must file CTR's for currency transactions over \$10,000. Casino Forms 8362 are filed with the IRS.

¶ **The Secretary of the Treasury** may require certain financial institutions to report transactions with foreign financial agencies. These transactions include wire transfers, checks or drafts, loans, commercial paper, stocks, bonds and certificates of deposit.

Laundering and Drug Money

Since October 1983, the IRS has initiated investigations on more than 1,834 money laundering specialists, corrupt financial institutions and their employees. As of May 29, 1987, there were 404 investigations related to the Bank Secrecy Act in open inventory. Last year, IRS recommended prosecution on 472 cases involving money laundering.

The case of Guillermo A. Garces clearly demonstrates the link between money laundering and the narcotics business.

During October 1985, the IRS Criminal Investigation Division received information that Guillermo Garces and three other Colombian nationals were repeatedly purchasing money orders with cash at various banks in Florida. The total money orders purchased at any given bank by Garces and his confederates never exceeded \$2,000. Analysis of the money orders themselves disclosed that they were made payable to numerous payees and were negotiated at numerous banks in Panama. It was later determined that Garces had only been visiting Florida and that he actually resided at a con-

dominium complex in Fort Lee, N.J.

In April 1986, IRS special agents began a surveillance of Garces' Fort Lee apartment. During this time, IRS agents began to retrieve Garces' trash. Among the more significant finds were long adding-machine tapes citing columns of figures that tied in directly to money order purchases later discovered and documented during the investigation.

Continued surveillance of Garces and his wife revealed that they would drive to as many as 13 different banks in a given day. They would purchase money orders with currency in amounts that usually totalled \$1,980 at each bank. This amount was exactly one percent less than \$2,000 for each transaction.

On Sept. 4, 1986, special agents executed search warrants at three different locations and seized 307 kilograms of cocaine. At a second location, drug-sniffing dogs led the agents to \$900,000 in currency. Eight members of the ring were arrested and subsequently indicted and convicted on numerous felony charges.

Evading the Secrecy Act

On Jan. 27, 1987, the Anti-Structuring provision became effective, making it illegal to struc-

ture or attempt to structure currency transactions for the purpose of evading the reporting requirements of the Bank Secrecy Act. For example, if a money launderer bribes a bank official in order to cause the official not to file a CTR, or if a money launderer tricks a bank into believing that the launderer qualifies for an exemption from the CTR filing requirement, the launderer has violated the Anti-Structuring provision (31 U.S.C. §5324 of Title 31 of the United States Code).

The following examples illustrate how well the Bank Secrecy Act, and the CTR provision in particular, serves the purpose of identifying and investigating tax evaders and tax avoiders:

¶ **Joseph Kalek** — Joseph Kalek recently pleaded guilty to income tax evasion and was sentenced to five years in prison. Kalek was the leader of a large organization that smuggled tons of marijuana and large quantities of cocaine from Colombia to the United States. The organization off-loaded narcotics from a mother ship off the coast of Southern California to smaller craft for transport to shore.

It was two CTR's filed on currency transactions by one of Kalek's accomplices that led to Kalek and his criminal organization. Kalek's personal assets included: a house purchased for \$1 million; a ranch purchased for \$1.2 million; a waterfront home in Miami Beach; lots in Hawaii; three helicopters; two ocean-going vessels, and a ski lodge in Lake Tahoe, Calif.

Kalek himself was smart enough to structure his currency transactions to prevent CTR's from being filed. (The \$1-million home was purchased with 149 cashier's checks, each less than \$10,000, acquired from different banks in California and Hawaii.) It was the slip-up of one person in the organization that generated the CTR's that led the IRS to Kalek. Without the CTR's the drug-smuggling operation may never have been discovered, nor might Kalek have been convicted of tax evasion.

¶ **The Katz Brothers** — In a case that, perhaps surprisingly, did not involve drugs, three brothers were convicted of tax evasion in a scheme that involved the skimming of cash receipts from their family-owned hardware business. One of the brothers, Morton Katz, had used \$96,000 in unreported cash to pur-

Continued on Page 14



Anthony V. Langone was appointed assistant commissioner of the Internal Revenue Service, in charge of the Criminal Investigation Division, on Feb. 2, 1987. A New York native with a bachelor's degree in economics from Brooklyn College, he has been with the IRS since 1961.

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Burns:

Forfeiture, demand reduction & drug war

By Arnold I. Burns

I do not want to give a false idea of where we are in the war on drugs. We are on our way, no doubt about it, but we are very far from having won.

When we eradicate drugs at their source, crops spring up elsewhere, and when narcotics are interdicted in one place, drugs get through somewhere else. Often when there is a crackdown on a particular drug, hardened abusers merely shift their preferences. No matter how you slice it, the supply side of the drug problem follows the demand side. This fact makes the demand side critically important.

In the area of cooperation among levels of government, however, the situation has never looked brighter. Over the past seven years, there has been unprecedented cooperation. There may be the occasional turf battle, but on the whole I can confidently say that we have never had it so good with regard to law enforcement cooperation.

It is estimated that the profits produced by narcotics trafficking and other organized criminal activities may total \$100 billion or more annually. Fortunately, we have a weapon of enormous potential in our law enforcement arsenal — the seizure and forfeiture of assets. By strip-

ping the tools and profits of a drug cartel, we sap its power and significantly damage its ability to do business while enhancing our own crime-fighting resources.

Under the asset forfeiture provisions, we are able to share, on an equitable basis, forfeited assets with state and local law enforcement agencies, their share being based on the size of their role and contribution in making the case in which the assets were seized. The more cases we work together, the more money we have to fight crime. The equitable sharing of assets is a wonderful way for the Federal Government to assist the states and localities.

We at the Department of Justice are not academic or theoretical in our approach. We are interested in the pragmatic and the practical aspects. So far we have turned over more than \$60 million in forfeited assets to state and local law enforcement agencies. During fiscal year 1985, the Justice Department approved the transfer of more than \$2.5

million to state and local agencies. In fiscal year 1986, this sharing accelerated to \$24.4 million, and sharing for 1987 is estimated at \$28 million. It will continue to grow as our law enforcement partnership grows.

The United States Marshals Service is currently managing over \$447.6 million in seized assets, including \$158 million in cash and real estate worth \$198.9 million.

Asset-sharing checks are not Federal handouts. They represent the very tangible benefits of law enforcement coordination and teamwork.

Moreover, of all the dollars deposited in the asset forfeiture fund in fiscal 1986, one in five went to state and local law enforcement agencies. This is as it should

Continued on Page 14

Arnold I. Burns is Deputy Attorney General of the United States. The foregoing is adapted from remarks made at the recent conference of the International Association of Chiefs of Police, held in Toronto.

Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers.

Shots on the highways

"When California craziness comes to the heartland, it comes too close for comfort. The highway shootings that made headlines during the summer in the Los Angeles area have now hit home in a deadly way, with one person killed and several others injured. About one dozen reports of highway snipings have been confirmed. A lot of attention has been paid to whether these shootings are 'copycat' incidents, where one shooting inspires others. That type of speculation seems to be beside the point. Whether a sniper comes up with the idea independently or is encouraged by another shooting really makes little difference to someone whose uneventful drive is suddenly disrupted by a bullet shattering the windshield. The suggestion of the copycat factor could be a subtle hint by authorities that the shooting incidents should be kept under wraps, to reduce the likelihood of an epidemic. Such a practice would be a bad idea. If there is violence on the highways, the 99-plus percent of drivers who would be targets instead of snipers deserve to know what is happening. In any case, the list of shootings has grown much too long. Motorists should remain wary but remain calm as well. Arming themselves against a potential confrontation on the highways is a prescription for more shootings, as jittery drivers reach too easily for guns to protect themselves against perceived threats. Taking the law into your own hands usually means a lack of justice for everybody."

— The St. Louis Post-Dispatch
Nov. 16, 1987

Revise death-penalty statute

"Killing in cold blood for profit certainly seems a heinous enough crime to merit the death penalty. Yet the Texas Court of Criminal Appeals on Thursday overturned the conviction of Betty Lou Beets, who allegedly killed two of her husbands and buried them in her yard, because her crime did not fit the 'murder for remuneration' portion of the state death-penalty statute. Mrs. Beets was so charged because her alleged motive for killing her fourth husband was to collect his insurance. But the appeals court narrowed the definition of 'remuneration,' saying it applies only to murder-for-hire schemes. The Henderson County district attorney says Mrs. Beets will be tried again for murder — but it won't be a capital case. Her attorney said, 'As of today, we don't have anything on the books that would allow you to convict anyone of capital murder if you kill them for profit.' The 'books' should be changed."

— The Dallas Times-Herald
Nov. 14, 1987

Drugs: An ambitious drive under way to rid U.S. schools of narcotics

"The U.S. Department of Education's new drive for drug-free schools comes as a welcome reminder that the Reagan Administration has not abandoned its war on drugs. The nation will be peppered with TV public-service announcements, hillboard and print advertisements and otherwise admonished to help immunize schools against illicit drugs. Secretary of Education William J. Bennett says the top priority will be to enlist schools in the Challenge program, which is aimed at increasing the number of drug-free campuses. Mr. Bennett says that 'we know what works, programs are now in place — this should be the year that America slams the door on drugs in our schools.' School officials or anyone else may call the department's toll-free number — 1-800-541-8787 — for further information. A Bennett spokesman says when school authorities dial the 800 number, 'it marks their passage over the threshold.' They thus acknowledge that their schools have problems. It is the essential enlistment, the first step toward slamming the door on drugs. The more doors slammed, the better."

— The Cincinnati Enquirer
Nov. 16, 1987

Letters

To the editor:

Your cover article on pre-employment polygraph examinations (LEN, Oct. 28, 1986) served as a key to seeking legislative change in Delaware. Using that article and other materials as background, 19 Del. Code §705, Prohibiting Pre-Employment Polygraphs, was amended in July 1987. This was effected through the Delaware General Assembly by the Delaware Regional Police Chiefs' Association. Gov. Michael N. Castle signed the proposed legislation into law, which now specifically permits only police agencies to use the polygraph as part of the pre-employment selection process.

Since your article discussed current national trends, it was very helpful in presenting a basis for changing the statute in Delaware.

MAJOR ROBERT S. KLOSIEWICZ
Commander, Operations Branch
New Castle County
Department of Public Safety
New Castle, Del.

To the editor:

I must point out an error in the Around The Nation Column, concerning the section on Colorado, in the Law Enforcement News dated Oct. 13, 1987.

In the article, it is mentioned that "Aurora Police Officer Joseph Perez, 28, died September 25 at Denver General Hospital. . . ."

The officer that died was Edward J. Hockom, age 29. He died on September 21, 1987, at Denver General Hospital. The remainder of the article is accurate.

We have no officer by the name of Joseph Perez. Our sympathies are extended to his family and officers of his department.

Obviously this is an unintentional error. In keeping with the professionalism of your publication, I would be remiss if I

did not point out the mistake.

GERALD L. WILLIAMS
Chief of Police
Aurora, Colo.

(We stand corrected, and apologize for the name mixup. We extend our sympathies to the family and colleagues of Officer Hockom.)

To the editor:

We have just read Jennifer Nislow's article regarding us and our efforts in developing and publishing our magazine Field Training Quarterly ("On The Line," LEN, Oct. 27, 1987). The article was excellent; we really appreciate the work and Law Enforcement News for acknowledging the efforts of the many officers who often do not receive the recognition they deserve.

Thanks again to you and your staff. If we can be of any assistance in the future, please do not hesitate to contact us.

FRANK WEBB
BILL HENDRIX
Editor and Publisher
Field Training Quarterly
Houston Police Department
Houston, Tex.

To the editor:

I have the opportunity to read your article on the Indianapolis Police Department and my interview with Marie Rosen, and I just want to say how pleased I was with your story.

Ms. Rosen did a great job, and I really appreciate the Law Enforcement News showcasing the Indianapolis Police Department and its efforts during the Pan American Games.

Again, thanks for all your kind words.
PAUL A. ANNEE
Chief of Police
Indianapolis, Ind.

When it comes to criminal justice matters in the state of New Jersey, there is not much that does not ultimately come under the control and the watchful eye of Attorney General W. Cary Edwards. Under the Criminal Justice Act of 1970, Edwards is the state's chief law enforcer and principal legal counsel, and is head of the Department of Law and Public Safety, which boasts some 9,500 employees, including 500 attorneys. Under Edwards' authority are the State Police, the Department of Criminal Justice, Department of Motor Vehicles, and agencies dealing with horse and harness racing, alcoholic beverage control, civil rights, consumer affairs and gaming enforcement (read "casino gambling"). In addition, Edwards recommends appointees for all 21 county prosecutors in the state, and reviews their performance in office. One would be hard pressed to come up with something that Edwards does not have a hand in.

In New Jersey, local police chiefs are chosen by local authorities through the Civil Service process, but the office of the Attorney General is in charge of setting procedural standards. One of Edwards' first decisions in of-

fice was to direct the operating priorities of local law enforcement agencies, something that he says had never been done in New Jersey. To that end, the 467 local police departments throughout the state now have a prime directive: eliminating drugs. There's no excuse for not attacking the drug problem on the local level, notes Edwards, and while he may not have the power to fire police chiefs who don't cut it on the drug enforcement front, he certainly has the official clout to "embarrass" unproductive chiefs, or to reassess state grants that might be destined for that chief's town.

The Comprehensive Drug Reform Act of 1987 deals with every level of drug use and distribution in the state, from the smallest amount of marijuana up to the major traffickers. Anyone convicted on a drug charge in the state loses his driver's license for six months. "That obviously doesn't matter much to the leader of a [drug] network," notes Edwards, "but it means a hell of a lot to the possessor of 25 grams of marijuana, especially the young people in our population." Monetary penalties of \$500 to \$3,000 are imposed with every drug conviction and then invested in drug prevention and treatment pro-

grams. "The linkage is very important because law enforcement can't solve the drug problem," Edwards says.

Edwards also breathed new life into the state's environmental enforcement efforts. A 39-member Environmental Prosecution Unit was set up within the Division of Criminal Justice. And, through an Edwards-created network of task forces and specialized prosecution units, a linkage was established between the environmental unit and the state's organized crime and racketeering task force. That joint approach resulted in a case made recently against a criminal network of individuals dumping construction waste illegally in the northern Jersey area.

While Edwards has been touted as gubernatorial timber in the state, he dismisses the notion, explaining that "no attorney general in the state has ever run for further office." Other would-be candidates needn't worry, however. Edwards may view the responsibilities of his current job as "heavy" sometimes, but he's not shy about saying that he has "a great job, because it has such power. You really feel like you can do something."

"The old-line police chief is starting to fade away and the more professional is starting to take over."

W. Cary Edwards

Attorney General of the State of New Jersey



Law Enforcement News interview
by Marie Rosen

LAW ENFORCEMENT NEWS: In New Jersey, the attorney general appears to be much more influential when it comes to law enforcement and criminal justice than an individual would be in the same position in other states. For example, district attorneys are appointed with input from you, criminal justice services are under your authority, so is the State Police. What are the advantages of a system like this?

EDWARDS: We're still finding that out, I guess. We really put all this together with the Criminal Justice Act of 1970. Some of the advantages are obvious. You can prioritize law enforcement, which I just did for the first time, directing the law enforcement agencies of the state to do 105 different things on a narcotics enforcement plan. The attorney general of New Jersey does have direct control over the State Police. The State Police are not just a highway patrol operation. In New Jersey they are a very sophisticated law enforcement operation with a highway patrol attached to it. The Division of Criminal Justice in New Jersey has its own grand juries and 150 prosecuting attorneys, conducting organized crime, white-collar crime and corruption operations on a statewide basis, with 21 county prosecutors, who are ap-

pointed not elected — as is the attorney general, which is also unique — also reporting to the attorney general. He has a supervision and supercession powers over them. In other words, he can take any case he wants from them, he can direct them to do anything that he wants. The 467 local police departments, the attorney general can direct their procedures, as opposed to, say, their manpower strength. We set all standards for the procedural operations of those local departments — how they conduct their daily business, not necessarily the priorities of it or the resources it's afforded, but the way they go about doing it. So you put all that together in the state of New Jersey and that is the criminal justice system. It can fall under this one umbrella of the attorney general, who has the power to prioritize and do all kinds of things.

LEN: If, as you say, this system has only been in place since 1970 and you're still finding out all of the advantages and disadvantages of it, can you say whether or not it's a more successful system than the previous system you used?

EDWARDS: Oh absolutely; there is no question about it. There is a political non-partisan attachment to it, since all the individuals are appointed and people who work in the Division of Criminal Justice, people who

work in the State Police and people who work in the prosecutors' offices are career people. No one knows who is a Republican or a Democrat. The capacity to professionalize the operation and improve the quality of law enforcement, in addition to coordinating it all, is present and is just now coming into fruition. I'll give you an example — organized crime is a pretty good one. Back in the 60's, Life magazine had a big expose about New Jersey being the bedroom of organized crime and organized crime being in bed with public officials. There was a comfort level that existed there. That is no longer the case, and it's not because of the U.S. Attorney, necessarily, but because of this criminal justice system — the complete absence of partisan politics or partisan politicians from any influence or control over that system other than the criminal laws they pass.

Politics and prosecution

LEN: Could this lead to, say, closed-door politics in the appointment of county prosecutors?

EDWARDS: No. The other irony about that is that the political county patronage system has also crumbled in New Jersey as a result of one man, one vote. The old bastions of political control, the county political organizations, have not only diminished but for the most part

Continued on Page 10

"We are the leaders in environmental enforcement. We have as many people in environmental prosecution in the state as the entire Federal Government has."

Continued from page 9

have disappeared. So a governor, who appoints with the advise and consent of the Senate, winds up appointing very high quality people. For a Republican governor they are Republicans. For a Democratic governor they are Democrats. But many of them are career people who have come right up through the prosecutor's office themselves.

LEN: And the choices were made without regard to what party the people were connected to?

EDWARDS: Minimal regard, I guess, is the best way to describe it. For instance, we reappointed the prosecutor in Union County, John Stanley. He's a 12- or 14-year professional prosecutor and he's a Democrat. In Hudson County, which was our most politically connected county, the new prosecutor there was appointed three years ago and was a career guy who worked his way up through the prosecutor's system. And it goes like that through about half a dozen of the counties. Most of them are Republican by registration, but none of them are really heavy Republican activists, if you know what I mean.

LEN: Are you in the position to make official recommendations to the governor regarding candidates for county prosecutors?

EDWARDS: I do. I'm responsible for all the recommendations and the reviews of sitting prosecutors for the purpose of reappointment. We do a detailed analysis and review of their performance in the office, a 20-, 30-, 40-page document as to what they've done, how good they are, what their strengths and their weaknesses are.

LEN: Given the kind of influential position that your office has, could it be a stepping stone to a higher office?

EDWARDS: Historically no, the opposite has been the case. There are restrictions we have on political activity in both the Division of Criminal Justice and the Division of Law. All of the lawyers who work there, we have no idea what their political registration is. We are prohibited from even asking. I have 500 lawyers, about 200 on the criminal side and 300 on the civil side, and I have no idea who's a Republican and who's a Democrat or an Independent. Most of them are not registered, in fact.

LEN: What about yourself, though?

EDWARDS: Personally, I cannot participate in partisan political activities, such as endorsement of candidates, fund-raising for the party, the stumping for one candidate over another in either primary or general election. They can't take away either mine or the other lawyers' constitutional rights in the office but they severely restrict partisan political participation. That means that you can't ever get through primary elections without a great deal of difficulty. That doesn't mean it's not possible, and I have been touted as one of two or three leading gubernatorial candidates.

LEN: I was just going to mention the fact that some have touted you as the next Governor of New Jersey. . .

EDWARDS: It's true, but I have that kind of handicap

that goes with it. No attorney general in the state has ever run for further political office.

The A-G and the police

LEN: You oversee the state police. What kind of relationship do you have with them?

EDWARDS: Good, I think. It's a very comprehensive organization. Twenty-five hundred state troopers, 800 of them are highway patrol road operators, and the other 1,600 are in everything from forensics to organized crime to narcotics to terrorist task force to fingerprint identification or major crimes operations, various investigatory components of a comprehensive statewide law enforcement operation.

LEN: State Police Supt. Clinton Pagano made a transition from a Democratic administration that appointed him to the current Republican administration that has retained him in office. Does that speak generally to a good relationship that he has with state officials?

EDWARDS: Yes, he's regarded as a professional. He's not a registered Republican or a Democrat and he's picked from the State Police on merit.

LEN: But hypothetically, though, could a new governor — you or anyone else — replace the superintendent with someone of your own choosing?

EDWARDS: That's absolutely correct. So far it has not happened in the history of the State Police that someone has done that for reasons other than that individual administration's general policy roles for the State Police. For instance, maybe you have someone steeped in law enforcement who's a bad administrator, and you think the organization needs administrative help, so you might modify the operation to bring into the leadership of it someone who's a better administrator. Or if it's got good administration but bad law enforcement, you

patrolmen, even in local departments, getting their college degrees, brushing up on criminology courses, getting a master's in criminology. You see a lot of that, especially in the last 10 or 15 years. The old line police chief is starting to fade away and the more professional is starting to take over.

Good-neighbor policies

LEN: Do you have an interstate compacts with neighboring states on matters of mutual law enforcement concern?

EDWARDS: Some. We have, for instance, an agreement with the Federal Government at various levels on terrorism. I have five members of the State Police who are members of a joint, Federal-state terrorism task force out of Newark and another out of Philadelphia. We are one of only five states that are involved in that. To any great extent beyond that, our levels of interstate activities are agreements made by the State Police with corresponding state police operations. Take the Northeast Project on environmental enforcement, for instance. We are the leaders in environmental enforcement, which is run out of the Division of Criminal Justice. We formed the Northeast Project which is now being replicated. Half my people are constantly out in various other regions of the country getting together things like the Northeast Project, which is an environmental compact with 13 states in the Northeast.

LEN: That seems rather unusual, giving environmental enforcement duties to the criminal justice component of the state government. . .

EDWARDS: We have 39 people in my Environmental Prosecutions Unit. I have 12 lawyers, about 19 investigators and 2 engineer types. That's in addition to our civil operation in my Division of Law, and then the whole investigative side in our Department of Environmental Protection.

"We are a very strong home-rule state. The chiefs and the departments are all picked by the governing bodies of the individual municipalities, through Civil Service."

bring in a heavier law enforcement-oriented superintendent. Those would be the only reasons I can see for anybody changing the superintendent.

LEN: You mentioned the jurisdiction your office has over local police departments. Does this include funding?

EDWARDS: It doesn't except to the extent that we control Federal grants and have become advocates for state aid to local police.

LEN: Are you in a position to make or break a police director?

EDWARDS: No. Not an individual. We are a very strong home-rule state in that regard. The chiefs and the departments are all picked by the governing bodies of the individual municipalities — through Civil Service, not political appointments.

LEN: I've heard that one must come up through the ranks in New Jersey.

EDWARDS: You must come up through the ranks. They have a Civil Service exam, which is run by the state's Civil Service Commission, and in order to get any promotion in local police you've got to be one of the top three people on that testing process, which is a non-partisan test of the professional competence of that individual. That goes for lieutenants, captains, majors and chiefs.

LEN: Could such a system create a lot of inbreeding for a police department?

EDWARDS: It's always a threat you have to look out for, and I think it becomes a reality sometimes. But I think it is not generally the case. I think it's more likely to breed more professional members in law enforcement. It gives career paths for the officer coming in at the very bottom with knowledge that he can get a fair shot at being a leader if he improves his own professional capabilities. A lot of the municipalities and the state also have educational incentives, so you find a lot of the

LEN: That's quite an operation.

EDWARDS: It's the largest in the country. We have as many people in environmental prosecution criminally in the state as the entire Federal Government has.

LEN: It's been charged in some quarters that organized crime is heavily involved in toxic-waste dumping. Does your environmental prosecution bureau take on the mob as part of its jurisdiction?

EDWARDS: Absolutely. I have another section, which is an organized crime and racketeering task force that combines state police and criminal justice lawyers and investigators. We made a case very recently which linked up that task force with the environmental prosecution section. We had dumpers coming out of New York City with construction waste, paying bribes to local officials through a network here in New Jersey to dump their garbage in the North Bergen-Hudson County region. Our environmental task force originally picked it up as illegal criminal dumping, turned it over to our organized crime and racketeering operations, they worked a joint operation that brought down an organized, criminal network. We have not publicly linked that to the traditional organized crime families yet, and I won't do that with you either, but it was an organized criminal activity. When they would run out of space in one town they would start bribing officials in others. We brought that down a while back. So yes, linkages are made on a regular basis.

LEN: Last March, 21 members of the Lucchese crime family were brought to trial in New Jersey on racketeering charges. How much of a hand did your office have in that indictment?

EDWARDS: We had a minor hand in that. That was basically a Federal operation. About eight or ten months ago, we brought down 42 members of the Genovese family through Operation Intrepid, which we had been doing undercover for about a year in a social club in the Newark area. And the guy was running it from a state prison, a halfway house.

LEN interview: NJ A-G Cary Edwards

No 'comfort' for organized crime

LEN: How much of an impact are these efforts against the two crime families likely to have on organized crime in New Jersey?

EDWARDS: Let me compare New York to New Jersey. I told you that back in the 60's New Jersey was the bedroom of organized crime. It is no longer. We also just brought down the Scarfo family. They were the last of the family heads that were centered anywhere in New Jersey. Most of the people involved in New Jersey's organized crime are now in the third level of the families, which means we're nothing more than a market for organized crime, as opposed to being any kind of headquarters or any kind of location where there is a comfort between the governmental institutions and the organized crime operations — which had been the history of New Jersey. The Federal Government in New Jersey in the last 17 years made 400 organized crime and corruption prosecutions, and so did the state. New York, on the other hand, has never put together a comprehensive system like we did in New Jersey. As a result of what came out in the 60's in New Jersey, the Criminal Justice Act of 1970 was passed, which gave the attorney general the power that I now have, along with the statewide grand jury system, electronic wiretapping capabilities — we use more wiretaps than anyone else in the country, and use them very effectively. So local officials are no longer comfortable with organized crime in New Jersey. It's that simple.

LEN: Is it possible that while you're paying attention to traditional Italian-American crime groups, newer organized criminals, such as Hispanics or Asians, are escaping official scrutiny?

EDWARDS: We're looking at all of them. Over the last 13 years we have developed a very sophisticated organized crime intelligence operation, run by the State Police, and we are focusing on any organized criminal conspiracy, any group that is distributing illegal goods and services, in any organized fashion, whether they are traditional organized crime families or whatever their ethnic background is. Consequently we've been able through our intelligence network to begin to identify the other than traditional organized crime families.

LEN: What about Atlantic City? There was considerable concern when the casinos first went up that organized crime would inevitably have a hand in things. Is organized crime involved there, perhaps through the labor unions represented on the scene?

EDWARDS: Let me see if I can put it in this kind of perspective. First of all, I don't think the citizens of New Jersey would have voted to allow casino gaming in Atlantic City if they didn't think the law enforcement community could control organized crime's influence in to that. Now that was 10 years ago. I now look back on it after having spent four years in the Legislature during that period, four years as the Governor's chief counsel putting those policies together, and now two years as Attorney General. Of the businesses in this country, I have no trepidation in saying that the casino businesses, the companies that run the casinos, are as free or freer from organized crime than General Motors, Ford, IBM, AT&T, etc. Does that mean that a member of an organized crime family will not sometimes get hired? No. But we'll find him out and we'll prosecute if he does. They're at a minimum. It's no more so than you'll find any place else in this country in any legitimate, absolutely clean business. The level of checks and controls that we put on those 12 casinos is incredible. We spend \$60 million a year regulating 12 businesses. They pay the bill; we don't even pay it. We've got more criminal investigatory arms in the Atlantic City area than you'll find anywhere in the world. Just my state operations are mind-boggling in terms of the number of people that are being looked at, watched, scrutinized. We have gone beyond the actual businesses that run the casinos. We are now into the collateral businesses in great detail. The Local 54 case, which went all the way to the United States Supreme Court and we won, was a landmark decision. Our ability to license the unions that operate gives us the collateral ability to license almost every business involved. So we

can get into them if we find any sniff of a problem of organized crime.

LEN: There's a new drug reform law package in the works in New Jersey. Could you describe this legislation?

EDWARDS: It's called the Comprehensive Drug Reform Act of 1987. My people in the Division of Criminal Justice, along with my 21 county prosecutors and the chiefs' association in the state, spent 14 months working on new drug enforcement law for the state. It's the second most comprehensive law enforcement piece of legislation since we adopted our new criminal code in the late 70's. It completely revamps narcotics enforcement and does a number of significant things that we think are a little bit different.

LEN: For instance?

EDWARDS: It deals with every level of distribution and/or use of narcotics, all the way from the user of the



smallest amount of marijuana up to the leader of a drug trafficking network. There is a specific definition of crimes every where in between. It also deals with the flexibility of analog drugs, for instance, so that something can become a crime as the chemical capacities change without having to go back and pass a new law. We've covered that. On the penalty side, we are doing some unique things. Anybody convicted of any drug crime in this state, from the smallest user to the leader of a network, loses his driver's license for six months. Now that obviously doesn't matter much to the leader of a network, but it means a hell of a lot to the possessor of 25 grams of marijuana, especially the young people in our population. It's aimed at pressure for demand reduction. We also have created a new penalty that's collected as a primary penalty for every drug conviction; between \$500 and \$3,000 goes into education and prevention programs. The linkage is very important because law enforcement can't solve the drug problem. We're only a player, so the more profoundly we can be a player, the more profoundly we should be.

LEN: What happens if someone doesn't pay those fines?

EDWARDS: Well, we anticipated there will be a significant amount of that. We think it's a particular incentive to get the potential new user or what they call a recreational or marginal user. They are part of the problem so they might as well be part of the solution. We think that's a significant proportion of the population and they can afford to pay, in point of fact.

Enhanced penalties

LEN: At what point does incarceration take place if a person is found guilty?

EDWARDS: Well, the law also has minimum mandatory sentences, and we've focused again on young people in one of those areas of minimum mandatory sentences. New Jersey's criminal code has four degrees of crime, one through four, one being the worst, four being the lowest. A first-degree crime has a presumptive sentence between 10 and 20 years, whereas a fourth-degree crime is between 6 and 18 months. We've moved narcotics enforcement out of the health codes and into the criminal law to start with, and we've focused certain areas where we've put in what we call "enhanced penalties." Every crime falls in either the first to the fourth degree depending on the type of drug being distributed and the volume of it. Let's say you are distributing drugs within 1,000 feet of a school, to a minor under 18, or using a minor in the distribution chain. In addition to whatever crime you fall in, one through four, you get an enhanced penalty on top of that — minimum mandatory, no eligibility for parole. Selling within 1,000 feet of a school has a minimum non-eligibility for parole of three years. For using a minor in

"We use more wiretaps than anyone else in the country, and use them very effectively. So local officials are no longer comfortable with organized crime in New Jersey. It's that simple."

a distribution scheme, minimum non-eligibility is five years. For selling to a minor, the minimum non-eligibility runs two to four years. Now, that is in addition to the distribution charges and whatever other penalties are attached to it.

LEN: And that's without regard for a person's background?

EDWARDS: That's correct. The idea behind that is not that we are going to stop drug distribution this way, even to minors. What we are going to be able to do is create an atmosphere for five or six hours a day, by backing that law up with dollars and resources to enforce the 1,000 feet of a school zone, so that the education and prevention programs we're working on will have a better chance of working. It's targeted to complement a more holistic approach, not seeing law enforcement as just an isolated group that's going to be storm troopers, knocking down doors and making arrests and nothing more. It's acknowledging that their role is an integrated role in society to deal with a problem like drugs.

LEN: Since you mentioned the "holistic" approach, what about the criminal justice system as a whole? Do you have enough prison space to accommodate offenders under this law?

EDWARDS: Both the Governor and I would not allow the law to become effective until the Legislature also voted a \$198-million bond issue for prison construction. So the law passed, it was signed by the governor on April 23, but wasn't effective until July 9, the day he signed the \$198-million prison bond issue to create 3,300 more jail cells.

Continued on Page 12

LEN interview: NJ A-G Cary Edwards

Continued from Page 11

LEN: Will that be enough?

EDWARDS: Our estimate on this was 1,050 just for the new narcotics law. So yes, we think it will cover the kinds of areas we realistically believe we will be adding to the system.

State & local game plan

LEN: You mentioned a plan for every level of law enforcement. . . .

EDWARDS: Remember I told you that I thought the attorney general's capacity is only just maturing in New Jersey. Well, I made two decisions when I started this process about 16 or 17 months ago. First, if I could get the new law, I was going to use this as an example to prioritize New Jersey's law enforcement community. Fifty-six percent of all our arrests in this state are drug-related — of 400,000 crimes, that's 224,000. So first I make it the number-one law enforcement priority, and I do that by edict as the attorney general and chief law enforcement officer. Second, I put together an action plan to enforce that law and I direct — not recommend — every level of law enforcement to do certain things. There's 105 directives in this 200-page action plan and 36 guidelines and a 14-month implementation scheme. So by December of 1988, the action plan becomes fully implemented. With that will follow about 200 more directives into the process.

LEN: What are some of the particulars of this plan?

EDWARDS: I direct every county prosecutor's office to set up a county narcotics task force. I direct every police officer to make the arrest of any violations of the comprehensive drug law done in their presence. So they don't have an option to say, "Okay, we'll let this kid slide this time." We set up a specific plan to map every school in the state, to provide a special siting for a drug-free zone and an enforcement program in every school in the state. I can do that because of the control and direct or persuasive power I have over the system. I have fallen short of directing the percentage of resources in every town, but I will get to that before it's finished.

LEN: What if a police director comes to you and says he simply cannot afford it?

EDWARDS: My answer to him is that he's got to redirect his existing resources. If 56 percent of all crime is drug-related and he's got zero resources on narcotics enforcement, he's wrong.

LEN: Suppose he says, "I'm doing it but I still can't get the job done." You're not in a position to dismiss him, are you?

EDWARDS: I can't fire him, but I can deal with some of his state grants, some of the town's state grants. I can embarrass him. How can he survive as a police chief in his town if he's not doing any narcotics enforcement and it represents over 50 percent of the crime in his town? He's not going to get very far. My State Police on the other hand, I directed them to do things, and I can. I have the power to fire them all.

LEN: Will you be coming through with some new resources for them to do this?

EDWARDS: No, not necessarily. New resources may not be necessary. I'll give you an example. I have directed that the State Police go through certain training, and they have. I directed that they make an arrest of any drug offense committed in their presence. I have given them special training in search and seizures of automobiles and patrol response. In July, which was the first month, drug arrests went up 108 percent. They went up 144 percent in August, 98 percent in September and 400 percent in October. With tickets, traffic summonses also went up 20 or 30 percent. So without one extra man, without one extra resource being put in their, I have increased by anywhere from 100 to 400 percent the drug arrests and improved on my traffic safety and highway patrol activities. So, now if I take every patrolman in the state — 15 or 20,000 of them — and

they do the same thing, or the police chief does, he could do that without new resources.

LEN: So it's just a re-focusing of attention.

EDWARDS: That's right. The local police and the State Police reacted very favorably. They liked one component of this and that is the new penalties that are attached and the loss of driver's license. They don't feel that they are wasting their time any more. I've got a lot going for me with it, for some of those reasons.

I said there are two goals in this action plan. The goal is not just to do narcotics enforcement. It's to prove that we can prioritize implementation of a specific law enforcement goal in this state. And it's the first time we have tried to use the power of the attorney general of this state to do that. If it works here successfully, we'll be able to replicate that in other areas — it could be arson, it could be burglaries, it could be domestic violence.

Another area that's in that same category that is law enforcement oriented is capital punishment. We have capital punishment in this state and it's just been ruled constitutional by the Supreme Court. But there is a necessity for continuity in prosecution and enforcement of it. For example, I've got 21 county prosecutors. They must deal with the decision to go for the death penalty in a capital case consistently. There must be equal proportionality in sentencing. The attorney general in this state is in a position to see in fact that that happens, using his talents. This narcotics plan is just a reinforcement of that.

LEN: Do any of your county prosecutors feel that this represents an unwise diminution of their discretionary authority?

EDWARDS: So far they don't. One of the reasons, I think, is the way we go about it. To have the power and how one uses it are two different things. They worked with me. If I'm a general, I consider them to be my 21

LEN: Would that test be unannounced?

EDWARDS: They will know when the physical's coming, but they won't know a year in advance when it's coming. So they will have some warning as to that physical component of it.

LEN: You seem to be looking to satisfy some of the critics who talk about the Fourth, Fifth and Fourteenth Amendments vis-a-vis drug testing.

EDWARDS: That's right. We also go through an elaborate process of both the initial drug test, which is a first screening, versus the second confirming test that they have to go through, and the procedures they have to use to guarantee individual rights in that process. We also require that all the tests be handled through our State Police labs, which we have all over the state and which have the capacity to do both tests and have no axes to grind one way or the other. It took us about six months to put the program together the way we want it. When you have two to three percent of law enforcement that surveys have shown would be the amount who are involved, I did not believe that it was important to do mandatory random testing of all officers in all departments in the state, particularly when you look at the age groups involved. Your 18- to 25-year-old age group is your heaviest problem. That's the people who are subject to it during training camps. After that, we believe we can weed the rest of them out with normal, investigatory tools and using the tool of reasonable suspicion. Also, keep in mind that the consequence to law enforcement personnel is that they would lose their jobs. Basketball players go to rehab but you can still play basketball. A cop gets caught and his career is sunk.

LEN: There are police psychologists who say that we try to rehabilitate a criminal but we don't try to rehabilitate a cop. Do you think that's right?

"Public safety is not the only thing that's at stake in a drug test. The primary problem is that they're breaking the law, which they are sworn to uphold."

captains. They helped prepare the action plan, they helped prepare the new drug law, they're working on the new criteria for capital crimes, they helped me draft drug-testing guidelines for all law enforcement. We make them a part of a consensus-building operation in law enforcement. There has been once or twice when they might have thought their prerogatives were being stepped on, but if I use my powers properly I will get cooperation in that regard, only having to use my law power sparingly.

Right idea, wrong approach

LEN: Following up on your mention of drug testing, in May 1986, the Director of Public Safety in Plainfield administered a urine test that was subsequently ruled unconstitutional by a Federal judge who voided the results and banned the city from conducting such tests in the future. How do you react to that case?

EDWARDS: Plainfield was attempting to go in the right direction; they just weren't going about it with having thought it through properly. During the same time as that I was preparing my drug-testing guidelines, I distributed my guidelines after that case was almost over. And in the overturning of another local department's drug-testing policy, the appellate division pointed to my guidelines as the proper way to go about drug testing for law enforcement.

LEN: In terms of your guidelines, how does one do drug testing in law enforcement?

EDWARDS: It mandates random testing for new applicants and during training camps. It then mandates drug testing on the basis of reasonable suspicion after a sworn officer is completely trained and a full-fledged officer. It also recommends annual physical exams for all members of law enforcement in the state at which time drug testing will be a component of their physical.

EDWARDS: I do. A cop has a special duty. He's sworn to uphold the law. Whether he likes the law or not, whether he agrees with it or not is not the question. The law says smoking marijuana is a crime and one can't uphold it if they're breaking it. So I do agree with it.

LEN: What about testing for alcohol abuse?

EDWARDS: Alcohol is not an illegal substance. We treat alcohol the same way the private sector would view that. We work hard on dealing with rehabilitation. It's different than an illegal drug substance.

LEN: In the Plainfield case, the official who ordered the drug test said it was necessary because public safety was at stake. In that regard, wouldn't the public safety be at stake if cops are intoxicated?

EDWARDS: Public safety is not the only thing that's at stake in a drug test. It's breaking the law. It is compounded by the fact that that individual is carrying a gun and is driving an automobile on patrol and is involved in high-speed chases and other kinds of things that law enforcement does. Yes, that's absolutely true for alcohol also. If you've got an alcoholic and he's a police officer and he's impaired, you've got to do something about that. You've got to get him off the road and put him in rehabilitation. But that doesn't mean he loses his job for life. The public safety component is a compounding problem in drugs. The primary problem is that they're breaking the law, which they are sworn to uphold.

Building a better mousetrap

LEN: What can help to make a better organized crime or drug trafficking case?

EDWARDS: One of the things that I put in here was to

Continued on Page 14

Criminal Justice Library

We read and review:

'The Prosecutors': Losers look at power

The Prosecutors.

By James B. Stewart.

New York: Simon and Schuster, 1987.

378 pp.

By Thomas A. Reppetto

President

Citizens Crime Commission
of New York City

At the outset of this review, one must render something akin to an FTC warning. This is not a book about prosecutors in general but about *Federal* prosecutors, and it concentrates on economic crime. Only one of the cases examined deals with a state prosecutor and a violent offense. It is as though a book entitled "The Police" were devoted to the activities of the FBI against white-collar criminals. As readers of Law Enforcement News will recognize, such a book would hardly give an understanding of the meat and potatoes (or should I say "the beef") of police work.

James B. Stewart, a graduate of the Harvard Law School, author of a previous book about big-time law firms, "The Partners," and currently a writer for The Wall Street Journal, analyzes a half-dozen cases: alleged bribes paid by the McDonnell-Douglas Corporation to officials of the Government of Pakistan at a time

when it wasn't clear that such conduct violated American law; the Hitachi sting case in the high-tech Silicon Valley of California, wherein some Japanese businessmen were prosecuted for attempting to acquire IBM secrets; an insider trading case on Wall Street involving the familiar cast of overachieving yuppies who got too greedy (the type of story which, in light of recent events, will saturate movie houses over the next few years); an offshore tax-shelter scheme with the unusual twist that the hunters (the prosecutors themselves) became the hunted; the investigation of allegations against U.S. Attorney General-designate Edwin Meese 3d, and finally, the murder of three CBS technicians in Manhattan.

The last is probably the most interesting for law enforcement readers because it is a classic detective story stretching from New York to Kentucky. The hero, a young prosecutor in what New Yorkers call (D.A. Robert) "Morgenthau's Office," is also the man who recently managed to obtain a sentence of six months in the slammer for subway gunman Bernhard Goetz.

If the whole book were like this, it would be easy to give it high marks. Unfortunately, though the book is well-written, a

criminal justice audience is going to encounter problems with Mr. Stewart's evidence.

Much of the information comes from the losers in the internal bureaucratic struggles of the Federal prosecutor's offices: two low-level employees of Justice Department headquarters in Washington, D.C.; a U.S. Attorney in Iowa who wanted to hold onto his job despite a change in Administration, etc. Prosecutors are always thought to give a better deal to those who cooperate, although in many cases these are not blameless individuals. So too with journalists; the individuals who are willing to open up are given the best treatment. But as with a criminal prosecution, evidence from the informant (as the D.A. would call him) or stool pigeon (as the defense would characterize him) must be carefully weighed.

If the losers in the office struggles are the good guys in this book, the bad guys are some of their bosses in the Reagan Department of Justice, with the arch-devil being Rudolph Giuliani. When we first meet him, Giuliani is the number-three man in the Justice Department, and he continues in his villain role as the U.S. Attorney for the Southern District of New York.

In Mr. Stewart's eyes, Giuliani can do nothing right. He is too tough on subordinates, particularly those he has disciplined or removed, too ambitious, prone to steal glory from others, etc., etc. Even Giuliani's personal life (including his marriage to a television commentator) is implicitly

criticized.

For readers who may be less acquainted with the doings of Mr. Giuliani than a writer located in New York, the current opinion is that he compares very favorably with such noted prosecutors as Tom Dewey or Earl Warren and seems fated to follow a similar career path. Indeed, if a reader examines the principal charge against Giuliani in the present book, it boils down to a couple of junior attorneys becoming upset because the number-three man at Justice (Giuliani)

backgrounds, and that's not a good qualification for a prosecutor. . . . Most of them are inconsiderate — of other people's schedules, of the trepidations that others feel in approaching them. They're overbearing, lazy. Every human defect is exaggerated by power."

One might observe that the speaker is not the first to note, as Lord Acton (or was it Joe Biden?) did, that "power tends to corrupt," but it leaves us with little policy guidance. Should we select prosecutors from among

"Should DA's pass a humility test? Constructing such a test could become a cottage industry."

allowed lawyers for an 80-year-old aviation legend (and incidentally the largest employer in his state) to present their side of the case in a private conference. To this reader, Giuliani's conduct appears entirely reasonable, indeed just (as in the word "justice").

If there is a theme to Mr. Stewart's work, it is that prosecutors should be humble. A veteran attorney who suddenly found himself in the role of Special Prosecutor after having been a defense lawyer all his life commented:

"[Prosecutors] display all the affectations of temporary power. . . . Many prosecutors are very young, with narrow experience in life and the world. Most have come from academic

older persons with poor academic records? Should new D.A.'s be required to pass a humility test? Perhaps constructing such a test could become a cottage industry like devising "bias-free" police exams.

Non-lawyers who work in criminal justice would probably endorse the view that nothing about the legal profession is calculated to make its practitioners self-effacing. Mr. Stewart, however, leaves the impression that it is the fault of individuals rather than the nature of the job. As recent events on Wall Street may cause a rethinking in the nation's business schools, so too the law schools may wish to re-examine their own basic tenets. If so, Mr. Stewart's book surely belongs on their reading list.

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Jobs

Deputy Sheriff. The Will County, Ill., Sheriff's Office is accepting applications on a continuous basis for deputy sheriffs.

Applicants must be 21, with a high school diploma or GED, and must become a Will County resident within one year of hiring. Starting salary is \$21,000 plus

fringe benefits. All new hires will be trained and initially assigned to a detention facility. First test date is Dec. 17, 1987.

Applications are available by writing or calling: Recruiting Officer, Will County Sheriff's Office, 27 S. Chicago Street, Joliet, IL 60436. (815) 727-5058.

CHIEF OF POLICE City of Alexandria, Virginia

Alexandria, Virginia, a diverse community of 107,500, located in the Washington, D.C., metropolitan area, offers a challenging opportunity to lead a department of 226 uniformed officers and 109 civilians, with an annual budget of \$17.4 million. The expected appointment date is February 1988.

Qualifications: Ten years of progressively responsible top management experience in a municipal police department in a city or county having a population of at least 50,000. Strong preference will be given to candidates who have served a minimum of three years as a Chief of Police, deputy chief or the second-in-command of the department.

The successful applicant will have a record of working with a community in pursuit of common goals; demonstrated sensitivity to the diversity of opinion and cultures in an urban environment; skills in team building and communication with all levels of the police department; and the ability to organize, manage and implement programs. Good communication skills are essential. A bachelor's degree is preferred. All applicants must agree to have their backgrounds thoroughly scrutinized.

Annual salary range is \$56,561 to \$65,474, with a generous retirement and fringe benefit package. Applications are available from the City of Alexandria Personnel Services Department, 301 King Street, Alexandria, VA 22314. Phone: 703-838-4422. Send application along with a cover letter describing your experience and listing five personal references to the address above no later than December 15, 1987.

DIRECTOR OF PUBLIC SAFETY City of Richmond, Va.

The City of Richmond, Va., is currently seeking a Director of Public Safety to administer a staff of 1,400 employees with a \$53-million budget. Candidates should possess demonstrated experience in directing police, fire and emergency service operations. The successful candidate will exercise management and control of all activities within the department, including preparing the departmental budget, monitoring major emergency services contracts and conferring with the City Manager.

Qualifications: Completion of a core curriculum for a baccalaureate level major in police science, criminal justice, fire science, public safety administration, public administration or a closely related field. Ten years of experience in police, fire or public safety administration, including five years in an administrative or management capacity over a major functional area of public safety, such as police or fire services, or an equivalent combination of training and experience.

The salary range is from \$48,230 to \$68,120, negotiable depending upon qualifications. Resumes must be filed by 12/22/87. Send resume in confidence to: Mr. J. H. Ferguson, Chairperson, Search Committee, P.O. Box 26666, Dept. 999, Richmond, VA 23261.

Interview: NJ's Cary Edwards

Continued from Page 12

create a narcotics task force with some new money, and an organized crime and racketeering task force. The concept behind that was I was trying to marry the State Police investigator with the lawyer from the beginning of the investigation through the conviction. When I got here there was a dichotomy in that. The cop did the investigation and turned the case over to the lawyer. That doesn't work as effectively as the lawyer and the cop working together from the beginning of the prosecution. What happens is the talent of the lawyer that can make the case a better case as it's being investigated is never put into it. Animosity gets created, where the cops says the lawyer blew the case, and the lawyer says the cop blew the case. You don't get good cases. You don't get convictions. You don't make the best case you can make. We were able to do that North Bergen case, that dumping case I talked about, the Intrepid case I talked about, but more importantly the Scarfo case, because I had the lawyers and the cops together from the beginning of the case to the end. That's important.

One further item is RICO. We had a RICO law on the books in this state that I helped put in. We weren't enforcing it. We had no resources. Civil RICO, from a governmental law enforcement standpoint, was not being pursued in this state. By the end of this calendar year, I will have 40 specialized people in a civil RICO unit in the Division of Criminal Justice — accountants, bankruptcy lawyers, the kinds that can track assets — and I've got special protocols being developed for our bigger law enforcement cases, with a program to move that down to the smallest of cases in this state, through every prosecutor's office, every major police department, whenever they're dealing with the assets, the fruits of criminal activity.

LEN: Given the RICO laws, though, it sounds like you're describing a complicated process in rather simple terms. . . .

EDWARDS: Implementing them is a long-term process, and it takes different expertise than what the normal cop has. The people I've hired start working on a case from the beginning of an investigation. You may not see the fruits of this for four or five years, but it's the only thing that'll stop organized crime at any level, whether it's traditional or Asian or Colombian. If you take the company, nobody can inherit it. There's no new Don, there's no new leader who comes up, because there's nothing for him to lead. I'm not just taking a criminal investigator or a criminal trial lawyer for this work; I'm taking civil lawyers and teaching them criminal protocols, and they're going to be the ones who make the civil cases. They can track assets, they can take money that was diverted from drugs into I.B.M. stock and prove the linkage.

LEN: From all of what you've said, it's fairly clear that you exercise a considerable amount of authority in state criminal justice matters. How does it feel to wield as much power as you apparently have?

EDWARDS: Heavy, sometimes. It's a great job, because it has such power. You really feel like you can do something. And I'm just scratching the surface. Get some good guys to follow me for the next 10 or 15 years, who will continue to build on this, and it will be absolutely marvelous what they can accomplish for the benefit of the people of this state.

The ins and outs of money laundering

Continued from Page 7

chase a certificate of deposit. Much to Morton's surprise, the bank filed a CTR on the transaction. The CTR provided the lead that the IRS needed to discover the brothers' tax-evasion scheme.

An Underworld "Who's Who"
The 68-year history of the Internal Revenue Service is colorful and noteworthy, with a roster of successful investigations of racketeers that reads like a "who's who" of the underworld: Al Capone, Frank Nitti, Dutch Schultz, Albert Anastasia, Frank Costello and Mickey Cohen, to name a few. This has been balanced by successful investigations of tax cheaters in all walks of life, including notable figures in politics, organized labor and

entertainment.

The modern special agent must be more than just a criminal investigator; he or she must be a skilled accountant as well. The IRS takes considerable pride in the observation in a recent report by the President's Commission on Organized Crime that IRS special agents are the financial experts in law enforcement. Certainly the special agents of the IRS Criminal Investigation Division owe a great debt to the police agencies that aid IRS in its investigative efforts. The IRS seeks to repay that debt by sharing the agency's expertise in financial investigative techniques so that local investigators can conduct thorough investigations of their own.

Burns:

War on drugs is no easy task

Continued from Page 8

be. Furthermore, I can predict with confidence that the local share will get larger. This is a remarkable law enforcement achievement. In this time of fiscal restraint, these dollars can be a godsend to agencies with tight budgets.

The war on drugs is still one of President Reagan's very top priorities. There has been an across-the-board step-up in the Administration's anti-drug activities, including drug demand reduction.

One section of the 1986 Anti-Drug Abuse Act removes impediments in the way of making the best possible use of volunteer, private sector groups involved in drug abuse prevention and education efforts.

Let's face it: Educating the public to say "no" to drugs is no easy task. We get up to the plate with several strikes against us. I recently spoke with a police lieutenant in Memphis, Tenn., who pointed out that in the U.S., we produce each year 1 million pounds of tranquilizers, 5 million pounds of barbiturates, 8 million pounds of amphetamines and 34 million pounds of aspirin. He also pointed out that the average 18-year-old has seen about 200,000 TV commercials, over two-thirds of which tell them how to change the way they feel. Fifty

years ago the U.S. produced 30 to 40 over-the-counter remedies — cough syrup and the like. Today we produce over 300,000 over-the-counter medicines.

The not-so-subtle message is that feeling less than wonderful should never be tolerated; that whenever you feel less than wonderful, you should take something to make you feel wonderful. Never mind how you feel later.

On the other hand, our attitudes and appetites can change. The evidence is all around us. Just look at America's new health consciousness, for example. More and more Americans are changing their eating habits. People are drinking less hard liquor, and they're smoking less. In principle, there is no reason why a similar wave of good sense should not sweep our nation with regard to drugs as well as to food, alcohol and tobacco.

We in law enforcement have the primary duty of enforcing the law, and where drugs are concerned, this means our activities are primarily on the supply side.

All the same, law enforcement has a responsibility to educate the public about the costs of all forms of crime to our society. An aware, informed and aroused public which not only refuses to tolerate criminal behavior but actively works to combat it is a powerful

and necessary ally to law enforcement.

The future well-being of the nation depends upon our success in combatting and curtailing drug abuse and drug-related crime. Drug abuse is not a victimless crime. It victimizes us all. It is a pervasive poison which, if unchecked, will leave no aspect of society unharmed.

Drug testing is one component of an overall demand reduction strategy. To date, drug testing of public employees has withstood challenges at the Appeals Court level in the Third, Fifth, Seventh, Eighth and District of Columbia Circuits.

Drug testing works because people evidently prize their jobs more than they do the law. Drug testing is an amazingly effective deterrent to drug abuse and an integral part of drug demand reduction efforts nationwide.

We have to persevere. There is an old saying that the difference between perseverance and obstinacy is that the one is a strong will and the other is a strong won't. We have to muster the will to turn back the tide of drugs. And we also have to be obstinate. We have to respond to drugs with a "strong won't": we won't have them in our neighborhoods, we won't have them in our schools, we won't have them in our workplaces.

Upcoming Events

JANUARY 1988

- 18-22. **Interviews & Interrogations.** Presented by the Institute of Police Technology & Management. To be held in Fort Lauderdale, Fla. Fee: \$375.
- 18-22. **Introduction to Crime Prevention.** Presented by the Institute of Criminal Justice Studies, Southwest Texas State University. Fee: \$350.
- 18-22. **Selective Patrol Drug Enforcement.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$375.
- 18-22. **Seminar for the Field Training Officer.** Presented by the Institute of Police Technology & Management. Fee: \$350.
- 19-20. **Police Applications for dBase III Plus.** Presented by the University of Delaware, Division of Continuing Education. To be held in Newark, Del. Fee: \$350.
- 19-20. **Corporate Aircraft Security.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Orlando, Fla.
- 19-21. **Narcotics Conspiracy Investigations: A Focus on Trainers & Drug Organizations.** Presented by the Broward County (Fla.) Organized Crime Centre. To be held in Broward County, Fla. Fee: \$225 (in-state); \$275 (out-of-state).
- 20-22. **Civil Liability Update.** Presented by the International Association of Chiefs of Police. To be held in Phoenix.
- 20-22. **Enhancement of First-Line Supervisory Skills.** Presented by the University of Delaware, Division of Continuing Education. To be held in Wilmington, Del. Fee: \$350.
- 20-22. **Consolidation of Public Safety Services: An Analysis.** Presented by the International Association of Chiefs of Police. To be held in Orlando, Fla.
- 20-22. **Effective K-9 Unit Management.** Presented by the University of Delaware, Division of Continuing Education. Fee: \$350.
- 21-22. **Physical Security.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Orlando, Fla.
- 21-22. **Family Violence & the Police Response.** Presented by the International Association of Chiefs of Police, in cooperation with the Victim Services Agency and the National Organization for Victim Assistance. To be held in New York. For details, contact IACP (address below).
- 25-27. **Practical Homicide Investigation.** Presented by the University of Delaware, Division of Continuing Education. Fee: \$375.
- 25-27. **Managing the Police Training Function.** Presented by the International Association of Chiefs of Police. To be held in Washington, D.C.
- 25-27. **Perspectives on Child Sexual Abuse & Pornography.** Presented by the University of Delaware, Division of Continuing Education. Fee: \$325.

- 25-27. **Practical Police Computer Applications.** Presented by the University of Delaware, Division of Continuing Education. To be held in Newark, Del. Fee: \$550.
- 25-29. **Automated Crime Analysis.** Presented by the Institute of Police Technology & Management. Fee: \$475.
- 25-29. **Executive Development.** Presented by the International Association of Chiefs of Police. To be held in Daytona Beach, Fla.
- 25-29. **Child Abuse Investigation & Videotaping.** Presented by the Institute of Criminal Justice Studies, Southwest Texas State University. To be held in Odessa, Tex. Fee: \$350.
- 25-29. **DWI Instructor.** Presented by the Institute of Police Technology & Management. Fee: \$350.
- 25-29. **Certification for Police Instructors.** Presented by the International Association of Chiefs of Police. To be held in San Diego.
- 25-29. **Analytical Investigation Methods.** Presented by Anacapa Sciences Inc. To be held in Reno, Nev. Fee: \$445.
- 25-29. **Sex Crimes Investigations.** Presented by the Institute of Police Technology & Management. To be held in Fort Lauderdale, Fla. Fee: \$375.
- 25-29. **Interview & Interrogation Techniques.** Presented by Bowmac Educational Services. To be held in Santa Fe, N.M. Fee: \$450.
- 25-29. **Police Applicant Background Investigation.** Presented by the Institute of Police Technology & Management. To be held in Orange Park, Fla. Fee: \$350.
- 25-29. **Crime Prevention through Environmental Design.** Presented by the National Crime Prevention Institute. Fee: \$345.
- 25-29. **Tactical Drug Law Enforcement.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$475.
- 25-Feb. 5. **At-Scene Traffic Accident Investigation & Homicide Investigation.** Presented by the Institute of Police Technology & Management. Fee: \$495.
- 25-Feb. 12. **Command Training Program.** Presented by the New England Institute of Law Enforcement Management. To be held in Wellesley, Mass.
- 26-27. **High Risk Incident Management.** Presented by the Traffic Institute. Fee: \$225.
- 26-29. **Police Internal Affairs.** Presented by the Institute of Police Technology & Management. To be held in Tucson, Ariz. Fee: \$350.
- 28-29. **Survival Strategies for Personnel Assigned or Traveling in Foreign Countries.** Presented by the University of Delaware, Division of Continuing Education. To be held in Wilmington, Del. Fee: \$390.

- 28-29. **Auto Theft Investigation.** Presented by the University of Delaware, Division of Continuing Education. Fee: \$325.
- 28-29. **Acquisition of Computers for Law Enforcement Settings.** Presented by the University of Delaware, Division of Continuing Education. Fee: \$325.
- 29-Feb. 6. **International Responses to Terrorism: New Initiatives.** Presented by The Office of International Criminal Justice, University of Illinois at Chicago. To be held in Cairo, Egypt. Fee: \$2,350 (includes airfare, lodging and two meals per day).
- 30-Feb. 2. **Correctional Education Leadership Forum.** Presented by Eastern Kentucky University, Training Resource Center. To be held in Washington, D.C. Fee: \$75 (prior to Jan. 5, 1988); \$90 (after Jan. 5).

FEBRUARY

- 1-2. **Dealing with Deviant Groups.** Presented by the International Association of Chiefs of Police. To be held in Kansas City, Mo.
- 1-4. **Police Media Relations.** Presented by the Institute of Police Technology & Management. To be held in Fort Lauderdale, Fla. Fee: \$350.
- 1-5. **Police Budget Preparation.** Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$450.
- 1-5. **Photography in Traffic Accident Investigation.** Presented by the Institute of Police Technology & Management. To be held in Richmond, Ky. Fee: \$350.
- 1-5. **Financial Manipulation Analysis.** Presented by Anacapa Sciences Inc. To be held in Austin, Tex. Fee: \$445.
- 1-5. **Profiling & the Serial Murderer.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$375.
- 1-5. **Report Writing for Instructors.** Presented by Bruce Olson, Ph.D. To be held in Modesto, Calif. Fee: \$277.
- 2-3. **Defense Against Electronic Eavesdropping.** Presented by Ross Engineering Inc. To be held in San Francisco, Calif. Fee: \$500 (\$525 with government purchase order).
- 2-5. **Advanced (Computer-Aided) Intelligence Analysis.** Presented by Anacapa Sciences Inc. To be held in Santa Barbara, Calif. Fee: \$676.
- 3-5. **Allocation & Deployment of Police Personnel.** Presented by the International Association of Chiefs of Police. To be held in Las Vegas.
- 4-5. **Middle Eastern Terrorism.** Presented by Richard W. Kobetz & Associates Ltd. To be held in New Orleans.
- 5-7. **Workshop for Recently Appointed Chiefs, Part I.** Presented by the International Association of Chiefs of Police. To be held in Orlando, Fla.

- 6-May 6. **79th Administrative Officers Course.** Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$1,200.
- 8-9. **The Oiler of Child Abuse & Pedophilia.** Presented by the Criminal Justice Center, John Jay College of Criminal Justice. To be held in New York. Fee: \$150.
- 8-9. **Executive/VIP Protection.** Presented by Richard W. Kobetz & Associates Ltd. To be held in New Orleans.
- 8-10. **Crime Analysis I.** Presented by the International Association of Chiefs of Police. To be held in San Antonio, Tex.
- 8-10. **The ABC's of Providing Security in Emergency Rooms/Current Security & Safety Issues.** Presented by the International Association for Hospital Security. To be held in St. Petersburg, Fla. Fee: \$350 (IAHS members); \$450 (non-members).
- 8-10. **Inspection of Commercial Vehicles in Accidents.** Presented by the Institute of Police Technology & Management. Fee: \$300.
- 8-10. **Legal Issues for Corrections Personnel.** Presented by Pennsylvania State University. To be held in University Park, Pa. Fee: \$245.
- 8-10. **DWI Enforcement Programs.** Presented by the International Association of Chiefs of Police. To be held in Washington, D.C.
- 8-10. **Advanced Police Budgeting & Fiscal Management.** Presented by the Traffic Institute. Fee: \$350.
- 8-12. **Microcomputer Workshop for Traffic Supervisors.** Presented by the Institute of Police Technology & Management. Fee: \$475.
- 8-18. **Basic Crime Prevention for Practitioners.** Presented by the Institute of Criminal Justice Studies. To be held in San Antonio. Fee: \$495.
- 8-19. **Advanced Traffic Accident Investigation.** Presented by the Institute of Police Technology & Management. Fee: \$495.
- 8-19. **Supervision of Criminal Justice Personnel.** Presented by the Institute of Police Technology & Management. Fee: \$495.
- 8-26. **Crime Prevention Theory, Practice & Management.** Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$820.
- 10-11. **Hostage Negotiations.** Presented by Richard W. Kobetz & Associates Ltd. To be held in New Orleans.
- 10-12. **Commercial Vehicle Accident Investigation.** Presented by the Institute of Police Technology & Management. Fee: \$300.
- 10-12. **Basic Juvenile Detention Center Personnel Training I.** Presented by the International Association of Chiefs of Police. To be held in San Antonio. Fee: \$200.

- 15-17. **Administration, Management & Supervision of the Field Training Officer Program.** Presented by the Institute of Police Technology & Management. Fee: \$295.
- 15-17. **Administering a Small Law Enforcement Agency.** Presented by the International Association of Chiefs of Police. To be held in Seattle.
- 15-17. **Tire Forensics for the Accident Investigator.** Presented by the Institute of Police Technology & Management. Fee: \$295.
- 15-19. **Advanced Video Production.** Presented by the Institute of Police Technology & Management. To be held in Miami, Fla. Fee: \$450.
- 15-19. **Building Criminal Investigation Skills.** Presented by the International Association of Chiefs of Police. To be held in West Palm Beach, Fla.
- 15-19. **Instructor Development Course.** Presented by the Traffic Institute. Fee: \$400.
- 15-19. **Police Budget Workshop.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$350.
- 15-19. **Police Traffic Radar Instructor.** Presented by the Institute of Police Technology & Management. Fee: \$350.
- 15-19. **Report Writing for Instructors.** Presented by Bruce Olson, Ph.D. To be held in Santa Rosa, Calif. Fee: \$277.
- 15-19. **Stress Awareness & Resolution.** Presented by the Institute of Police Technology & Management. Fee: \$350.
- 15-26. **Criminal Intelligence Analysis.** Presented by Anacapa Sciences Inc. To be held in Miami, Fla. Fee: \$695.
- 18-19. **Symposium on International Terrorism.** Presented by the International Association of Chiefs of Police. To be held in Tucson, Ariz.

Omaha eyes better ties to minorities

Continued from Page 3

however, Wadman said that the department generally has an "excellent working relationship with the minority community." The recent episode of ruffled feathers was a kind of test of that relationship, he told LEN, "in that all things that happened in the course of it, a lot of positive adjustments came into place and I think it worked out fine."

Wadman added that he strongly supported the officer, Kris Jacobson, who was awarded the Medal of Valor in October. Following a high-speed chase in April by Jacobson and his partner, Officer Gary Schnebel, motorcyclist Kevin Watson grabbed Schnebel's gun and shot at the officers. As Watson aimed at Schnebel again, Jacobson fired at Watson, killing him.

Although no wrongdoing was found on the part of either officer, the Alliance called for the dismissal of Wadman. "We felt because of his insensitivity and his inability to bring out meaningful police-community relations, this would be best for him," said Rev. Nigel McPherson.

Mayor Simon categorically rejected the call for Wadman's dismissal. "The police chief will not be out over this incident," he said.

For further information...

Anacapa Sciences Inc., 901 Olive Street, P.O. Drawer Q, Santa Barbara, CA 93102-0519. (805) 966-6157.

Bowmac Educational Services, Attn: Tom Gillespie, (505) 827-9256.

Broward County Organized Crime Centre, Attn: Cmdr. William H. Dunman, Broward Sheriff's Office, P.D. Box 2505, Fort Lauderdale, FL 33303. (305) 564-0833.

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062. 1-800-323-0037.

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106. (216) 368-3308.

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. (212) 247-1600.

Criminal Justice Center Police Academy, Sam Houston State University, Box 2296, Huntsville, TX 77341.

Criminal Justice Consulting Services,

7938 Southeast Highway 40, Tecumseh, KS 66542. (913) 379-5130.

Eastern Kentucky University, Training Resource Center, 202 Perkins, Richmond, KY 40475.

Eastman Kodak Co., Kodak Marketing Education Center, 343 State Street, Rochester, NY 14650. (716) 724-0316.

Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733.

Institute of Criminal Justice Studies, Southwest Texas State University, Canyon Hall, San Marcos, TX 78666-4610. (512) 245-3031.

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216.

International Association for Hospital Security, P.D. Box 637, Lombard, IL 60148. (312) 953-0990.

International Association of Chiefs of Police, 13 Firstfield Road, Gaithers-

burg, MD 20878. (301) 948-0922; (800) 638-4085.

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292.

New England Institute of Law Enforcement Management, Babson College, Drawer E, Babson Park, MA 02157.

Office of International Criminal Justice, University of Illinois at Chicago, 715 South Wood Street, Chicago, IL 60612. (312) 996-9267.

Bruce T. Olson, Ph.D., 1015 12th Street, Suite 6, Modesto, CA 95354-0811. (209) 527-2287.

Pennsylvania State University, Attn: Kathy Karchner, 410 Keller Conference Center, University Park, PA 16802. (814) 863-3551.

John E. Reid & Associates, 250 South Wacker Drive, Suite 1100, Chicago, IL 60606. (312) 876-1600.

Richard W. Kobetz and Associates,

North Mountain Pines Training Center, Arcadia Manor, Route Two, Box 100, Berryville, VA 22611. (703) 955-1128 (24-hour desk).

Ross Engineering Inc., 7906 Hope Valley Court, Adamstown, MD 21710. (301) 831-8400.

Southern Michigan Law Enforcement Training Center, Attn: Stephen Seckler, Training Coordinator, 2111 Emmons Road, Jackson, MI 49201. (517) 787-0800, ext. 326.

Southern Police Institute, Attn: Ms Shirley Beck, University of Louisville, Louisville, KY 40292. (502) 588-6561.

Southwestern Law Enforcement Institute, P.D. Box 707, Richardson, TX 75080. (214) 690-2370.

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204.

University of Delaware, Division of Continuing Education, Attn: Jacob Haber, 2800 Pennsylvania Avenue, Wilmington, DE 19806. (302) 573-4440.

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Lead us not into temptation:

That may well be the wish of the officers in the Miami Police Department, where a steadily growing number of cops are being caught up in the web of corruption that comes with each new shipment of drugs into the South Florida area. When the probing is done, the fallout from the Miami scandal may make the Knapp Commission investigation in New York in the early 1970's look pale by comparison. **See Page 1.**



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